

Food Procurement in the District of Columbia:

A Weak Link in the Value Chain

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Sumner M. Redstone
Global Center for
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About the Sumner M. Redstone Global Center for Prevention and Wellness

Located within the Milken Institute School of Public Health at The George Washington University, the Sumner M. Redstone Global Center for Prevention and Wellness recognizes that chronic disease, health inequalities, and climate change are all interconnected and share common drivers. The Redstone Center works within the University and with community partners to support research, share expertise, and advance evidence-based policy solutions to address these interlinked public health threats.

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Executive Summary

The District of Columbia spends over \$62 million per year on food procurement across multiple agencies, feeding tens of thousands of children, seniors, and vulnerable residents each day. Recognizing that this spending is an opportunity to use public tax dollars to advance equity, health, and sustainability, the District has made commitments toward values-based procurement (VBP), which aims to shift purchasing behavior to increase demand for “good food”—products that deliver positive outcomes in addition to conventional efficiency factors like price and convenience. For example, the District has committed to prioritize purchases from local and regional businesses, improve the quality and nutrition of meals served,¹ and source climate-friendly foods.² However, it has struggled to shift its purchasing behaviors to fully realize these goals.

This report examines current procurement policies and practices to identify barriers to implementing VBP in the District. This research uncovered systemic issues with the procurement system that make it nearly impossible for agencies to fulfill their basic legal obligations, let alone any values-based goals they might also hope to achieve.

A Brief Overview of the District’s Procurement Issues

- » The District does not leverage the solicitation process to expand the vendor pool, enhance food quality, or promote values-based procurement. Its solicitations are not aligned with the laws and commitments that implicate food, nor is the solicitation process rational or transparent.
- » The District’s evaluation processes are not set up to select the strongest proposal, as they do not effectively compare bids or vendors to each other. Evaluators commonly lack sufficient food sector expertise to thoroughly assess bids.
- » The District pays premium prices for its food programs, as agencies do not negotiate prices, and frequently compensates vendors for services and outcomes that are not delivered in full, as payment models are not tied to performance.
- » Food service contracts are plagued by unenforced legal requirements, unreasonable service standards, and insufficiently defined requirements that handicap the overall contract enforceability. What’s more, the Certified Business Enterprise (CBE) program is not an effective model for achieving food system goals.
- » The procurement process lacks the transparency, feedback loops, ownership, and centralization that would expose challenges and empower District leaders to take action.

Opportunities for Improvement

This report identifies 45 recommendations for how the District can unlock the full potential of food procurement, for people and planet, at minimal additional cost. Because the findings suggest that shortcomings in the District's procurement system encumber even basic procurement, several recommendations apply not only to values-based food procurement but to the District's procurement system as a whole. Despite the far-reaching applicability of these reforms, many are accessible today, and do not require new legislation or regulation. Moreover, several of these recommendations can be implemented at minimal cost, requiring only the approval and support necessary for agency staff to initiate and implement. The recommendations mirror the issues and challenges identified in the previous section. At a glance, they include:

- » Improve solicitations and evaluations to better meet the needs of agencies and vendors by crafting more effective solicitations and strengthening the evaluation process to ensure optimal selection.
- » Promote opportunities for local and regional food businesses to participate in District food procurement by creating CBE variances for food contracts, building capacity for local food businesses, and enhancing the CBE-matching process.
- » Explore new methods of contracting to both improve outcomes and save money, including forward contracting, participation in group purchasing organizations, and performance-based contracts.
- » Foster interagency collaboration by creating a community of practice among agencies that purchase food and identifying opportunities for agencies to work together to fill gaps in service.
- » Leverage the Office of Food Policy to incorporate subject matter expertise into the contracting lifecycle and also centralize tracking and oversight of progress on food procurement goals and commitments.
- » Prioritize transparency and accountability to ensure progress on food procurement goals is effectively monitored.

These proposed procurement reforms will advance operational efficiency while also leveraging the power of values-based procurement to foster a food system that nourishes residents, strengthens the local economy, and mitigates the impact of climate change.

Navigating the Report

This report is divided into two main sections:

***The State of Food Procurement in the District* explains the barriers to effective procurement.**

This section is organized into five thematic sub-sections:

- 1) Solicitations;
- 2) Selection;
- 3) Payments;
- 4) Requirements; and
- 5) Accountability.

Each sub-section houses a set of issues relevant to the theme. There is a short description of each issue, and many include a recent example that demonstrates the impact to agency personnel, program beneficiaries, and program cost.

***Opportunities for Improvement* provides solutions to the identified problems.**

This section has six thematic sub-sections:

- 1) Improve Solicitations and Evaluations;
- 2) Promote Opportunities for Local and Regional Food Businesses in District Food Procurement;
- 3) Engage in New Contracting and Incentive Models;
- 4) Foster Inter-agency Collaboration;
- 5) Leverage Expertise at the Office of Food Policy; and
- 6) Prioritize Transparency and Accountability

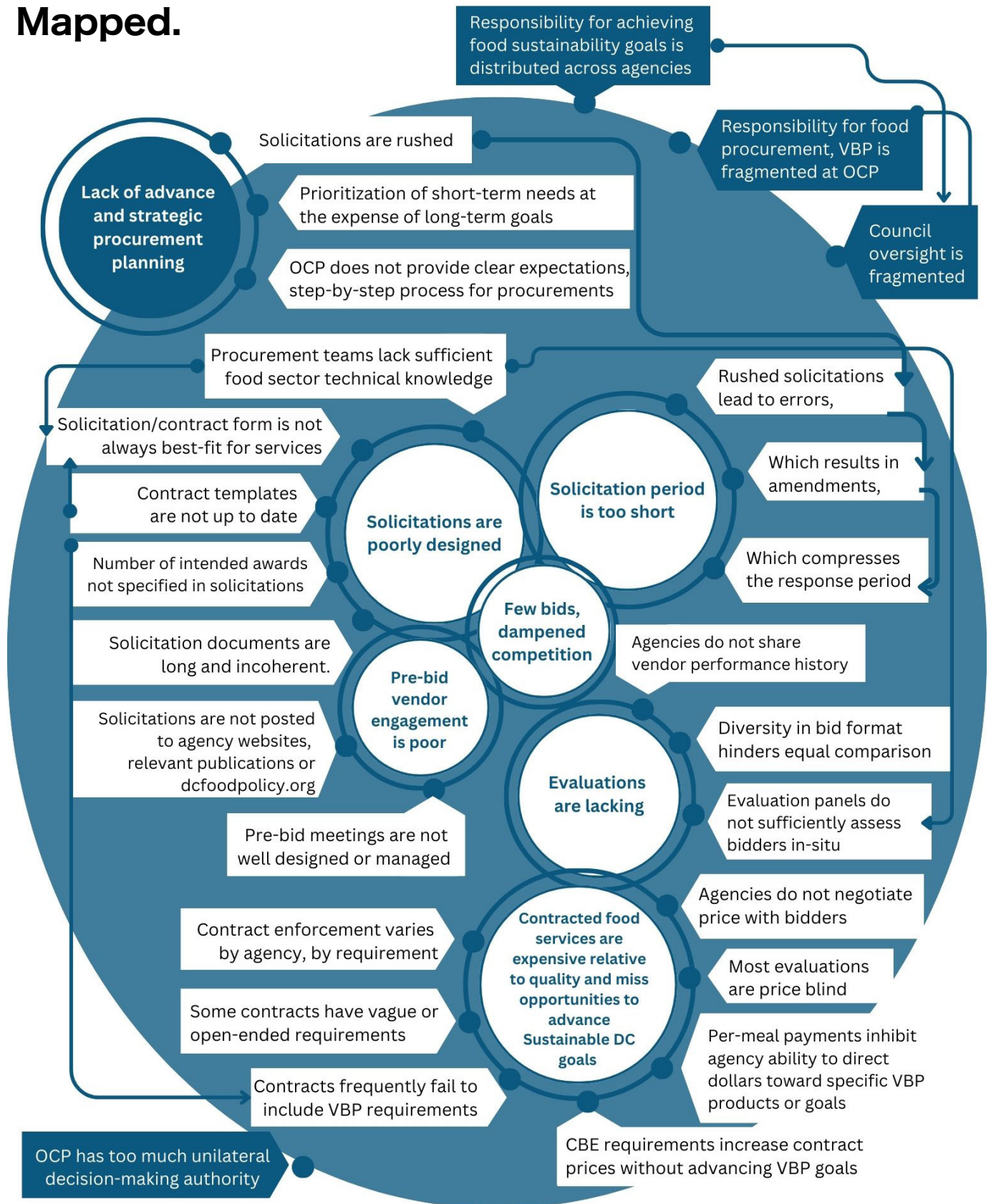
Each sub-section contains a set and short descriptions of proposed solutions, which are categorized by the type of action required:

- 1) Clarification or Guidance; 2) Process Change; or 3) New Initiative.

New Initiatives, as well as other areas for further investigation, are grouped outside the list in a separate box.

As mentioned above, despite the far-reaching applicability of these reforms, many are accessible today, provided agency interest and will. Others require legislative or regulatory action. These are indicated by the label “New Authority Needed.”

Procurement Issues, Mapped.



Abbreviations & Definitions

Programs & Policies

- » [Environmentally Preferable Products and Services](#)
- » [Glasgow Food and Climate Declaration](#)
- » [Good Food Purchasing Program](#)
- » [Green Food Purchasing Act](#)
- » [Healthy Schools Act](#)
- » [Healthy Students Amendment Act](#)
- » [Milan Urban Food Policy Pact](#)
- » [Procurement Practices Reform Act](#)
- » [The Cool Food Pledge](#)

Agencies

- » **DACL:** Department of Aging and Community Living
- » **DBH:** Department of Behavioral Health
- » **DCPS:** DC Public Schools
- » **SFA:** School Food Authority
- » **DHS:** Department of Human Services
- » **DPR:** Department of Parks and Recreation
- » **DOC:** Department of Corrections
- » **DSLBD:** Department of Small and Local Business Development
- » **DYRS:** Department of Youth Rehabilitation Services
- » **OCP:** Office of Contracting and Procurement
- » **OP:** Office of Planning.
- » The Office of Food Policy is located in OP

Relevant Terms

- » **BAFO:** Best and Final Offer
- » **CBE:** A Certified Business Enterprise (CBE) is a business headquartered in the District of Columbia and certified by DSLBD to receive preferred procurement and contracting opportunities.
- » **Contracting Officer:** OCP staff member that supports agency staff through the contracting process, up until the point when a contract has been executed.
- » **Contract Administrator:** OCP staff member that supports agency staff after a contract has been executed.
- » **Food service management company (FSMC):** a private enterprise that produces food that is ready-to-eat in various settings, such as school cafeterias, home delivered meals, and catered events. FSMCs typically provide meals to institutions such as K-12 schools, hospitals, correctional facilities, and other organizations.
- » **IFB:** Invitation for Bid.
- » **IDIQ:** Indefinite Quantity, Indefinite Delivery is a type of contract where the volume of product or services purchased will be determined over the contract term.
- » **Procurement Procedures Manual:** Internal guide of procurement processed used by OCP employees.
- » **RFP:** Request for Proposals.

Synonymous terms:

- » Bidders, prospective vendors, offerers.
- » Vendors, contractors.

Food Service Overview

Types of Food Services

- » **On-site food service:** i/e, cafeteria service
- » **Vended meals:** ready-to-eat pre-packaged meals
- » **Congregate meals:** family-style dining

- » **Contracted:** Agency outsources food preparation, distribution, and management to a third-party vendor.
- » **Self-Operated:** Agency manages its own food service program, including purchasing inputs, labor, and federal reimbursement.

Agency	Food Service Overview
DCPS	On-site food service; majority contracted, plus a small self-operated pilot.
DOC	On-site food service; contracted.
DYRS	On-site food service; self-operated.
DACL	Congregate meals, vended meals; contracted.
DPR	Vended meals; contracted.
DBH	On-site food service; self-operated.
DHS	Vended meals; contracted and sub-contracted.

Approximate Annual Spend: over \$60M, not including charter schools



Introduction

The District of Columbia spends over \$62 million per year on food procurement across multiple agencies, feeding tens of thousands of children, seniors, and vulnerable residents each day. This spending is an opportunity to use public tax dollars to advance equity, health, and sustainability.

For this reason, the District has made commitments to prioritize purchases from local and regional businesses, improve the quality and nutrition of meals served, and source climate-friendly foods; however, it has struggled to shift its purchasing behaviors to fully realize these goals. This report examines current procurement policies and practices to identify opportunities to improve food programs across the District, and makes recommendations for how to unlock the full potential of the District’s food procurement for people and planet.

The term “food system” refers to the networked activities involved in producing, processing, distributing, consuming, and disposing of food for human consumption. Public awareness of the urgent need to transition to a more sustainable and equitable food system has grown in recent years, as food system activities have a significant impact on climate, economic development, and public health:

FOOD X CLIMATE



The food system is both responsible for and vulnerable to the effects of the climate crisis. One-third of all anthropogenic greenhouse gas emissions can be attributed to food system activities.³ The effects of climate change, such as drought, storms, and extreme heat cause disruptions to and deeply imperil the food system. All of DC’s most climate vulnerable communities are located east of the Anacostia River: all but three census tracts east of the river rank “highest vulnerability,” and are at or above the 85th percentile on a national index of climate vulnerability.⁴

FOOD X ECONOMIC DEVELOPMENT



Agriculture, food, and related industries contributed 5.4% to U.S. gross domestic product and 10.4% of U.S. employment in 2022.⁷ According to the 2019 DC Food Economy Study, the total economic impact of the District’s food economy is \$5.47 billion, or 4.2% of the District’s GDP. Eight percent (over 71,000 workers) of the District’s total workforce are directly employed by the food economy. Employment in the food economy grew by 72% between 2001 and 2016.⁸

FOOD X HEALTH



Poor nutrition is a leading driver of death and disability in the United States, including from heart disease, stroke, type 2 diabetes, obesity, hypertension, and some cancers.⁵ Heart disease is the leading cause of death in DC, where nutrition-related chronic diseases disproportionately affect Black residents. The rate of Black DC residents who die from heart disease is 2.5 times higher than White DC residents; the rate of diabetes among Black residents is seven times higher than that of White residents; and overall cancer mortality for Black residents is twice as high compared to White residents.⁶

Values-based procurement (VBP) has emerged as a leading strategy to catalyze food systems change. VBP aims to shift purchasing behavior in order to increase demand for “good food”⁹—products that deliver positive outcomes in addition to conventional efficiency factors like price and convenience. These “values” include advancing environmental sustainability, through organic or regenerative growing practices; providing economic support for small, mid-size, and independent regional businesses; and promoting social justice, through fair labor practices as well as racial diversity in beneficial ownership. By fomenting demand, VBP tries to encourage industry actors to transition to better products and practices, and in doing so, help transform food system impacts on climate and public health.

While prioritizing values-based criteria often leads to higher upfront costs for buyers, proponents of food system reform argue that focusing on food pricing at the point of purchase is misleading. They contend that the true cost of food in the United States is significantly underestimated, as it fails to account for hidden, negative externalities, such as the cost to the healthcare system from diet-related disease and the environmental degradation caused by food production. Proper accounting of these factors reveals that the actual cost of conventionally produced food is at least three times more expensive than it appears at face value.¹⁰ For this reason, government institutions are well positioned to adopt VBP, not only because of their significant purchasing power and ability to drive widespread adoption, but also because they bear the financial burden of the public health and climate crises.

There has been a surge of advocacy focused on values-based procurement for public institutions in the last decade. For example, dozens of grassroots coalitions have formed across the country to advocate for local adoption of the Good Food Purchasing Program, a proprietary framework for VBP. Washington, DC, is among sixteen cities, including Chicago, Oakland, and Los Angeles, that have enacted the Good Food Purchasing Program as policy for reforming school food procurement.¹¹ The District has made several commitments that implicate food systems including:

- » Signing the [Glasgow Food and Climate Declaration](#) (2022)
- » Signing [The Cool Food Pledge](#) (2022)
- » Launching the [Nourish DC Fund](#) (2021)
- » Passing the [Green Food Purchasing Amendment Act](#) (2021)
- » Joining [Metropolitan Washington Council of Government’s Food and Agriculture Regional Member \(FARM\) Committee](#) (2021)
- » Adopting the [Good Food Purchasing Program](#) for DC Public Schools (2018)

- » Signing the [Milan Urban Food Policy Pact](#) (2018)
- » Passing the [Healthy Students Amendment Act](#) (2018)
- » Passing the [Healthy Tots Act](#) (2014)
- » Passing the [Healthy Schools Act](#) (2010)
- » Developing the [Environmentally Preferable Products and Services](#) program (EPPS at OCP and DOEE) in accordance with the [Procurement Practices Reform Act](#) (2010).

Although the District has committed to these efforts to help reshape the food system, it has not been able to meaningfully leverage its food procurements to advance these goals. Currently, the city largely relies on third-party vendors to provide food services, which can present a considerable challenge to implementing VBP and realizing its full potential. Rather than purchasing inputs (ingredients, space, labor) and producing meals for its programs, agencies contract with vendors to provide a range of food and meal services, from on-site cafeteria operations to home-delivered meals. The purpose of this report is to identify the barriers to values-based food procurement in this specific context, maintaining the strong belief that VBP in a vended environment is a feasible goal.

This research uncovered systemic issues in the DC procurement system that make it nearly impossible for agencies to fulfill their basic legal obligations, let alone any values-based goals they might also hope to achieve.

What's more, the findings suggest that the current system also impedes vendor success, as it is not set up for clear interpretation or implementation of contract requirements. The result is a cascading set of issues that undermine both agencies and vendors, creating a cycle of overpaying and underperformance.

Through close examination of policies and practices—both official and unofficial—the report demonstrates how these systemic issues connect to the District's inability to comprehensively implement values-based procurement. The findings and recommendations in this report will help the District achieve its food system goals. They reveal that the District stands to gain higher quality food and service at minimal additional cost, in most cases requiring only the will to implement change. Most importantly, optimizing the existing system can unlock greater value and better outcomes for all involved stakeholders—agencies, vendors, and residents.

Connecting Values-Based Procurement to the Sustainable DC 2.0 Plan

Procurement reform can help the District fulfill the Sustainable DC 2.0 Plan, which lays out how the city will “make DC the healthiest, greenest, most livable city for all residents.”¹² The plan presents six goals aimed at creating a healthier, more equitable, and sustainable food system, listed below. One of the leading interventions to help achieve these goals is the development of a central food processing facility, or CFP. A CFP is a central warehouse, distribution, and food processing facility (or facilities) that could be used to produce food products, provide culinary training, facilitate small-scale distribution, and increase the availability of values-based foods.¹³

The District has invested in two studies aimed at understanding the potential of a CFP, one that examines how it could maximize its impact for the city and wider region, and another that provides a detailed analysis of the building design and operations.^{14,15} Several of the procurement reforms outlined in this report would allow the city to fully realize the benefits of a CFP.

Sustainable DC 2.0 Plan Food System Priorities

Ensure that all residents have access to affordable, quality, and nutritious food.

Develop and support the food industry as a vibrant and equitable sector of the local economy.

Expand agricultural uses and production within the District.

Prevent, reduce, and recover food waste.

Reduce greenhouse gas emissions from all local sources to put us on track to reach carbon neutrality by 2045.

Advance physical adaptation and human preparedness to increase the District’s resilience to climate change.

Together, the combination of the CFP and procurement reform stand to deliver powerful advances to food system transformation, including:

» **Improved nutritional quality of institutional food:**

Procurement reform will enable agencies to prioritize and enforce higher food quality and nutrition standards with active vendors. It will also allow for more precisely directed spending on improvements to food quality. A CFP would also improve the nutritional quality of institutional foods by creating the kitchen space necessary to prepare meals that incorporate fresh and minimally-processed ingredients, thereby reducing reliance on ultra-processed foods.

» **Reduced reliance on major food service contracts:**

Procurement reform will improve the District's contracting flexibility. These improvements will streamline solicitations, strengthen contract enforcement, and provide accessible emergency options when contractors fail to meet expectations, ultimately making it easier to avoid or terminate contracts with under-performing vendors. A CFP will enable agencies to shift from external food service management to self-operations, reducing reliance on large food service contracts. Other jurisdictions that have moved to self-operated systems have realized improvements to food quality and nutrition, increased use of local foods, decreased ultra-processed food consumption, increased program participation, and reduced overall cost.¹⁶

» **Stronger values-based supply chains:**

Procurement reform will position the city to use dollars that are obligated to food contracts to purchase values-based food products for use in contracted food services. Purchasing products that deliver on values - such as fair labor,

sustainable production practices, and animal welfare, to name a few – will support the viability of these businesses directly as well as their networked supply chains. A CFP would add additional capacity to the supply chain, providing the necessary infrastructure for the District to operate direct contracts with producers, enabling receiving, storing, processing, and distribution to its program sites.

» **Enhanced support for the District’s food economy:**

Procurement reform will help DC-based food businesses unlock access to the city’s food procurement spend, promoting their viability and growth. In addition to supporting regional and national values-based supply chains, the report recommends changes to the District’s Certified Business Enterprise (CBE) program and expansion of Nourish DC. A CFP would also support local businesses by sourcing at scale, training employees, and creating job development pathways that will serve agencies and private sector food businesses. This would support product development not only for commercial use but also for integration into the agency food programs.

» **Reductions to the carbon footprint of the District’s food system:**

Procurement reform will enable the District to better solicit, evaluate, and select vendors who are capable of and willing to operate programs that prioritize climate-friendly menus. This will help reduce food-related GHG emissions by increasing consumption of plant-rich diets, which generally have much lower climate impact.¹⁷ It would also improve enforcement of sustainability standards with active vendors. A CFP would further enable the consumption of plant-rich diets by creating more autonomy in menu planning and procurement. A CFP could also reduce the District’s food waste, another significant source of GHG emissions, through composting initiatives, reusing foods that are aggregated by local producers for feeding efforts, and recovering food from businesses to be used in food production.

» **Improved regional food system resilience and emergency preparedness:**

All of the benefits named above point to how values-based procurement serves to bolster an alternative to conventional, consolidated supply chains. Investing in an alternative food system intentionally builds redundancy, a critical feature of a resilient system. Furthermore, procurement reform will help increase competition in the market, lead to a better distribution of District resources among food businesses, and help mitigate over reliance on a narrow subset of vendors. A CFP would further enhance emergency preparedness, serving as critical food

infrastructure to sort, process, pack, and distribute food aid to residents in the event of future emergencies. By creating a facility in the District for storage, aggregation, and processing, a CFP will bring the regional food supply closer to consumers, reducing the District's reliance on transportation nodes and national supply chains, and help reduce the shock of future supply chain disruptions.

By strategically integrating values-based procurement with the establishment of a central food processing facility, the District can catalyze a transformative shift. This synergistic approach has the potential to curtail the adverse impacts of the current food paradigm, cultivate prosperity for values-based food businesses, and promote the region's capacity to adapt and thrive.



The State of Food Procurement

The District overlooks procurement as a strategy for achieving city-wide climate and equity goals.

As a result, the food procurement process is not designed to enable agencies to source high quality services that deliver these results.

51 Problems with the District's Food Procurement.

Solicitations.

1. Solicitations often do not take into account the District's food-related goals.
2. Procurements often lack the high degree of food sector expertise needed to design a solicitation that meets service, impact, and budget requirements.
3. Long and incoherent solicitation documents obscure values-based procurement goals and hinder high-quality proposals.
4. Food service solicitations are poorly advertised.
5. Pre-bid meetings and vendor engagement are haphazard.
6. Questions from prospective vendors are regularly ignored.
7. Proposal turnaround times are too short.
8. Rushed and error-prone solicitations result in amendments and delays which exacerbate the compressed submission window.
9. Short submission windows favor CBEs that are able to quickly execute agreements rather than those positioned to have a food systems impact.
10. Solicitation deadlines do not take into account practical realities, such as closures for holiday observance.
11. OCP does not provide agencies with clear expectations for the solicitation process.
12. Food solicitations do not use a consistent and up-to-date template.
13. Agencies issue different types of solicitations and contracts for similar services.
14. Agencies have different approaches to addressing the number of prospective awards.
15. The CBE waiver process is applied inconsistently.
16. Shared responsibility for legal review across OCP and OAG contributes to delays.
17. Procurements frequently bypass full review requirements.

Selection.

- 18.** The agency and OCP staff that make up evaluation panels are not food sector experts.
- 19.** Proposal design is at the discretion of the vendor.
- 20.** Evaluation panels rely too heavily on written proposals when ability to implement also needs robust assessment.
- 21.** Most evaluation panels are price blind.
- 22.** There is no useful record of past vendor performance.
- 23.** Penalties and cure notices are not public or available to sister agencies.
- 24.** Contracting Officers have significant unilateral decision-making power, resulting in a stringent bureaucratic process with practices that vary widely.
- 25.** Agencies have little recourse to contest OCP's decisions.
- 26.** OCP's decisions lack consistency and transparency.

Payments.

- 27.** Agency staff say they have been directed "not to negotiate" prices.
- 28.** The Procurement Procedures Manual does not outline the process of negotiation.
- 29.** Unitized pricing results in inflated prices.
- 30.** Unitized payment precludes the District from adjusting or reserving budget allocations for specific values-based line items.
- 31.** Unitized pricing doesn't allow for responsive payment based on services delivered.
- 32.** The District's payment practices don't work for small vendors.

Requirements.

- 33.** In the absence of clear expectations, values-based procurement goals seem optional.
- 34.** There is no practice of using food contract templates to ensure that values-based procurement goals are applied consistently across procurements.
- 35.** Vendor compliance with contractual requirements is not consistently enforced.
- 36.** Values-based procurement requirements, even when law, are consistently omitted from contracts.
- 37.** Rules and funding streams are sometimes misaligned and conflicting.

38. There is not a consistent practice of incorporating winning proposal features, other than price, into contracts.
39. Some contracts use unenforceable language to communicate aspirational values-based food standards.
40. Some contracts have undefined requirements for special events.
41. The District pays a premium for CBE subcontracting, but this does not drive its achievement of regional food systems goals.
42. There are numerous local food businesses and nonprofit organizations that could supply prime vendors, but the CBE program does not facilitate these opportunities.
43. Agencies often overlook the value of philanthropically-funded food service programs.
44. Nonprofits are not eligible CBEs.

Accountability.

45. Public access to procurement documents is poor.
46. Council oversight of food programs is fragmented.
47. Responsibility for food procurements is distributed across several OCP Contracting Officers.
48. Vendor feedback is not incorporated into the procurement process—at least not publicly.
49. Many agencies are hesitant to provide feedback to OCP.
50. Despite years-long procurement timelines, agencies and OCP do little advance planning.
51. There is a high barrier to terminate vendors.

Solicitations.

The District is not set up to receive strong proposals.

The District does not leverage the solicitation process to promote values-based procurement, enhance food quality, or reach new vendors. While a typical government procurement takes three months, the District's process lasts for at least six months and has exceeded two years. This has dampened competition and led to a widespread but inaccurate perception among agency staff that the DC market lacks sufficient food service vendors.

Food solicitations are not aligned with DC laws and commitments that implicate food.

1. Solicitations often do not take into account the District's food-related goals.

The process of drafting statements of work for solicitations often lacks a dedicated step to research or reference the District's food-related commitments or laws, such as the Glasgow Declaration, Good Food Purchasing Program, and Green Food Purchasing Act, leading to solicitations that do not incorporate sustainability or values-based procurement principles.

Example: In 2023, the Department of Parks and Recreation (DPR) issued a Child and Adult Care Feeding solicitation as a sealed Invitation For Bid (IFB), where an award is made on the basis of the lowest bid price or the lowest evaluated bid price. Had they issued a Request for Proposal (RFP) which incorporates other evaluation criteria in addition to price, the agency would have been better positioned to implement values-based food procurement in its summer feeding program.

2. Procurements often lack the high degree of food sector expertise needed to design a solicitation that meets service, impact, and budget requirements.

Agency program staff responsible for drafting statements of work lack sufficient food systems expertise to effectively balance agency needs, high quality service, impact outcomes, and budgetary constraints. While the DC Public Schools (DCPS) Food and Nutrition Services (FNS) team may be an exception, their procurement process has not been able to achieve all three of these targets.

3. Long and incoherent solicitation documents obscure values-based procurement goals and hinder high quality proposals.

Lengthy solicitations (some as long as 175 pages) are often repetitive, contradictory, and confusing, which makes it difficult for vendors to craft a responsive proposal. There are cases where important service information or contractual requirements are misplaced or difficult to find in the document. The practice of using contract templates as the solicitation document prioritizes legal language and reduces readability overall. To make matters worse, they fail to adequately connect service delivery with quality, values-based procurement practices, or impact outcomes. These unwieldy solicitations drive away potential bidders, namely new or small businesses, favoring large, national vendors, reducing competition, and driving up prices. They also result in long, inconsistent proposals, which causes problems at the evaluation stage.

Prospective vendor engagement is poor.

4. Food service solicitations are poorly advertised.

The process of announcing food service solicitations to vendors is fraught with issues.

OCP and agencies lack a coherent approach for reaching prospective vendors.

Despite their similar food service needs, the seven food procuring agencies advertise their solicitations across a range of publications, including the Washington Post, Washington Times, and unspecified newsletters. Although the law requires public notice of solicitations in both “a newspaper of general circulation and in trade publications considered to be appropriate by the CPO,” according to interviewees, announcements have never appeared in relevant industry publications.

OCP’s rules undermine agency knowledge of the vendor landscape.

Agencies have complained that OCP will prevent them from posting solicitations to their websites, as is the practice for grant opportunities. Furthermore, although agencies provide OCP with a list of potential offerors, OCP ultimately decides the final selection of potential bidders that will be notified directly of the procurement.

OCP’s communication platforms are ineffective and out of compliance.

OCP uses DC’s ARIBA supplier network to notify prospective bidders of contract opportunities; however, these notices have on several occasions failed to reach prospective vendors. OCP is regularly in violation of its legal requirement (D.C. Official Code § 2-361.04) to publish solicitations and relevant documents (such as modifications) to the [Transparency Portal](#).

5. Pre-bid meetings and vendor engagement are haphazard.

Although the Procurement Procedures Manual requires OCP to both include pre-solicitation meeting details in the published RFP and plan and schedule the pre-solicitation meeting with agency staff, neither practice is consistently implemented.

OCP often schedules these meetings independently and at the last minute, sometimes at the expense of the procuring agency's participation. In the past, OCP has refused to reschedule meetings when vendors fail to attend, even in cases where technical failures prevent them from joining. On some occasions, pre-bid meetings have required a login to DC's spend management system, ARIBA, further limiting access.

6. Questions from prospective vendors are regularly ignored.

Vendors complain that OCP and/or agency personnel routinely ignore their questions during the solicitation period. Even when answered, these questions are not consistently made public, contradicting the guidelines outlined in the Procurement Procedures Manual.

Proposal expectations are unreasonable.

7. Proposal turnaround times are too short.

The period of time for which solicitations must remain open is 10 days for Human Care Agreements, 14 days for Invitations for Bid (IFB) sealed bids, and 21 days for Requests for Proposals (RFP) sealed proposals. Both vendors and agency staff share the concern that the short submission window undermines the goal of receiving a wide array of strong proposals.

8. Rushed and error-prone solicitations result in amendments and delays which exacerbate the compressed submission window.

Agencies attribute delays in solicitation development and release to OCP, citing long and opaque review periods among the reasons that prolong the process. Despite the significant time invested before release, OCP regularly publishes solicitations rife with errors; one agency estimated that OCP released the incorrect version of their solicitations over half of the time. These errors result in amendments, sometimes multiple, which further compress the proposal development window and sometimes the time between award and start date. Some food service solicitations have even been canceled, re-issued, or awarded then rescinded, as a result of errors in the solicitation, leaving bidders to write and submit several proposals for the same procurement.

9. Short submission windows favor CBEs that are able to quickly execute agreements rather than those positioned to have a food systems impact.

A Certified Business Enterprise (CBE) is a business headquartered in the District of Columbia and certified by the DSLBD. Businesses with CBE certification receive preferred procurement and contracting opportunities, including set-asides (see box below, *Understanding CBE Preferences*). The quick solicitation turnaround times are

particularly problematic for the 35% CBE subcontracting set-aside, as prime vendors must quickly identify and form agreements with a CBE in order to meet the minimum proposal requirements, missing an opportunity to thoughtfully develop partnerships that maximize food industry impact.

10. Solicitation deadlines do not take into account practical realities, such as closures for holiday observance.

Solicitation timelines, already compressed, frequently do not take into account holidays and other practical calendar considerations.

Example: In 2023, DCPS' food service solicitation was re-released after a revocation on November 27th with a due date of December 28th. (This date was subsequently changed to January 9th, then January 11th, via two amendments two weeks into the 21-day solicitation period.) Later in the solicitation process, DCPS issued vendors with BAFO requests on which had to be completed Wednesday-Tuesday concurrent with Passover, Ramadan, and Easter. A reflection of the significance of these days, emails delivered to DCPS procurement staff during the assembly of the BAFO received out-of-office/holiday closure auto replies.

Understanding CBE Preferences

By law (D.C. Official Code § 2-218.31 et seq.), agencies have an annual goal of procuring and subcontracting 50 percent of the dollar volume of goods and services to CBEs, particularly Small Business Enterprises (SBE).

In addition to preference points in evaluation, businesses with CBE certification receive procurement and contracting set-asides:

- » Contracts valued at \$250,000 or less must be awarded to Small Business Enterprises (SBEs), or to any CBE if insufficient qualified SBEs are available;
- » Contracts of \$250,000 or less on the DC Supply Schedule must be awarded to SBEs, or to any CBE if insufficient qualified SBEs are available;
- » Contracts exceeding \$250,000 must subcontract 35% of the total award to a SBE, or to any CBE if insufficient qualified SBEs are available.

There are nine CBE categories: Local Business Enterprise, Small Business Enterprise, Disadvantaged Business Enterprise, Development Enterprise Zone, Resident-Owned Business, Longtime Resident Business, Veteran-Owned Business Enterprise, Local Manufacturing Business Enterprise, and Equity Impact Enterprise.

Inconsistent and opaque decision making bogs down the solicitation process.

11. OCP does not provide agencies with clear expectations for the solicitation process.

Agency program managers describe the experience of working with OCP as confusing and opaque. There is no set standard operating procedure shared from OCP to agencies, such as steps in the process, timelines, or milestones. This results in inconsistent and unexplained decision making across procurements. The lack of standard procedures makes it difficult for agencies to push back on OCP's decisions. Even those who recognize issues may hesitate to take action, as the only meaningful intervention is to resolve concerns at the director-level, an escalation which staff reserve for only the most serious issues.

12. Food solicitations do not use a consistent and up-to-date template.

OCP does not appear to have or use a food procurement solicitation template. Instead, the prevailing practice is to use a previous solicitation as the canvas for developing a new one. While this appears practical and time-saving, these documents tend to be out-of-date with legal requirements and can therefore slow down the procurement process, as versions require repeated reviews, first within the agency, then OCP, then the Office of the Attorney General (OAG). Though OCP claims they have RFP and contract templates, we have not seen evidence of any centralized resources.

13. Agencies issue different types of solicitations and contracts for similar services.

That agencies issue different types of solicitations is not itself a problem; however, it does not appear that the contract form is always aligned to the function of the services. For example, although all the following agencies issued similar, fixed-unit price contracts, all of which specified no limit on the number of orders that may be issued, DCPS issued an RFP for a Requirements Contract; DPR an IFB for an IDIQ, and DACL an IFB for an IDIQ human care agreement.

14. Agencies have different approaches to addressing the number of prospective awards.

For example, DCPS' solicitation stated that it "would plan to award three vendors ("DCPS contemplates three awardees, distributed equally"); DPR alluded to awarding multiple contracts ("The District intends to make one or more awards"); and DACL did not make any indication that it would make multiple awards, and then awarded three vendors. Issuing solicitations with award ambiguity is not an allowable practice.

15. The CBE waiver process is applied inconsistently.

As noted above, the law requires that contracts over \$250,000 subcontract at least 35% of their dollar volume to a CBE. When an agency believes there are no eligible CBEs to fulfill services, they must work with OCP to seek a waiver from DSLBD, which then conducts a search of available CBEs to issue a determination regarding the waiver request. Agency program personnel consistently face issues related to CBE subcontracting waivers:

Official process is unclear. If there is an official process, it is not clear which one is correct, as each procuring agency, OCP, and DSLBD described a different process for seeking a waiver.

Permission to seek a waiver. Submitting a waiver request involves agencies receiving permission from their Contracting Officer. Some Contracting Officers prevent agencies from pursuing waivers entirely, even when historic CBE availability and/or contract performance was poor. When they do allow waivers, some Contracting Officers tightly control the process on behalf of the agency, while others delegate the responsibility fully to agency personnel.

Interpreting limits on federal funds. OCP has inconsistently interpreted the implications of federal funding limitations for CBE subcontracting, even though most food contracts utilize federal funds. In at least one instance, an agency bypassed the waiver process altogether citing federal funding restrictions as justification.

Applicability of NIGP codes. Several interviewees complained that National Institute of Governmental Purchasing (NIGP) codes, a third party taxonomy used to tag businesses by function currently used by DSLBD, are a poor fit for food businesses. This leads to CBEs that are registered but catalogued incorrectly and therefore missed in DSLBD's search process.

Examples: DPR, DYRS, and DCPS all rely on federal funding (National School Lunch, Breakfast, and Summer Meals) to support their food service programs:

DPR did not have to seek a waiver: DPR reported that it was not required to seek a waiver for its Summer Food Service contract because the procurement relies on federal funding.

DYRS relies on the same stream of federal student meal funding as DPR for its services, but not did not receive approval for its CBE waiver request and ended up with a CBE vendor as its prime vendor.

DCPS did not waiver, then revised: DCPS' original request for waiver was denied, and the solicitation was released with a CBE subcontracting requirement. It was later retracted and released with the subcontracting requirement removed.

16. Shared responsibility for legal review across OCP and OAG contributes to delays.

Shared responsibility for legal review causes delays in both solicitation release and contract execution. The procurement process requires OAG review solicitation and contract documents for legal sufficiency. OCP is also responsible for ensuring that solicitations and contracts are legally compliant. What's more, it's common for each new draft to be reviewed by a different attorney, sometimes leading to conflicting edits.

OAG's Legal Sufficiency Review

- » Under D.C. Official Code §§ 1-204.51 and 2-352.02, agencies must submit contracts in excess of \$1 million during a 12-month period and also multi-year contracts to the D.C. Council for review and approval.
- » When seeking Council approval, agencies must provide a number of materials, including a certification that the proposed contract is legally sufficient. (D.C. Official Code § 2-352.02(c)(7)).
- » OAG provides legal sufficiency certifications for contract packages from:
 - » all agencies under the purview of the Office of Contracting and Procurement,
 - » the District of Columbia Public Schools,
 - » the Child and Family Services Agency, and
 - » the Department of General Services.
- » OAG often only reviews the legal sufficiency of contract packages that the agencies submit to the Council for approval (contracts over \$1M).
- » While agencies sometimes consult OAG about contracts early in the process, OAG typically becomes aware of contracts only after the agencies send them to OAG for legal sufficiency review, prior to submitting them to the Council for approval.

The opaque solicitation process creates opportunities for questionable legal compliance.

17. Procurements frequently bypass full review requirements.

Given the essential nature of nutrition programs, securing new or replacing existing vendors cannot result in any disruptions in food service. This complicates vendor transitions, particularly in cases of procurement delays or unplanned terminations. As a result, agencies try to find creative solutions that will accelerate their procurement timelines, which can lead to procurements that bypass full review requirements.

Example: The Department of Aging and Community Living (DACL) awarded a letter contract to Run Veggie for \$600,000 in May 2022, with a definitive contract to follow. A letter contract authorizes a contractor to begin immediately manufacturing or delivering goods or performing services prior to the execution of a definitive, or official, contract. Over the next year, the letter contract was amended several times, bringing the total amount to \$4,200,207. The definitive contract was submitted to the Council for retroactive approval in March 2023; the total amount spent by the time retroactive approval was sought was \$2,690,000. This includes the initial contract amount of \$600,000 and the subsequent modifications totaling \$2,090,000. In June 2023, the contract was extended for an additional year, bringing the total award to \$4.2M. This is both poor practice and legally noncompliant, as the change from a \$600,000 to a \$4.2M contract is a material change that should trigger a rebid. The contract with Run Veggie is not publicly available on the OCP Transparency Portal, despite being referenced in the Mayor's submissions to the Council.

Example: In July of 2022, four months and six amendments after the release of its food service management RFP, DCPS was still engaged in an active food service solicitation process and therefore had to issue emergency extensions in the form of bridge contracts with its active vendors. In one case, a vendor was provided a bridge contract with just four hours to review and sign. Despite the urgency communicated to the vendor, DCPS did not countersign the contract, citing a need for Council approval, effectively forcing the vendor to continue operating without an approved contract. Then again in February 2023, DCPS, still embroiled in the procurement process, issued a second bridge contract, this time with less than one hour to review, sign, and return.

Example: DC Central Kitchen (DCCK), a DCPS vendor, shared that among the most difficult and practical challenges resulting from DCPS' protracted solicitation process was the need for a rapid staff transition. Food service management

staff are protected under the Displaced Workers Act, meaning that an incoming contractor must offer employees from the outgoing company the opportunity to continue in their roles. DCCK explained that SodexoMagic employees claimed that they had not been notified of the forthcoming vendor change by either DCPS or SodexoMagic, nor had either party provided DCCK with a contact list of affected employees. DCCK had to request that DCPS coordinate meetings where they would explain the transition options to SodexoMagic employees, which were ultimately held over the course of twelve meetings across twelve schools in just four days. It is also worth noting the challenging operational turnover – which includes getting food, equipment, uniforms, etc. into each school building – had to take place over a single day for six of the twelve schools. Moreover, DCCK and SodexoMagic had to concurrently move in and out of those schools.

Example: It is common practice, in both food contracts and generally, to execute contracts just under \$1 million to avoid Council review. As just one example, an article published October 14, 2024 in the Washington Post titled Fired D.C. Government Whistleblower Wins \$3.4 Million Judgment Against City describes a specific case where DC Health inappropriately subdivided contracts so that they would be valued at less than \$1 million, the threshold that triggers Council approval.

Group Purchasing Organizations

a procurement work-around?

A group purchasing organization, or GPO, is an entity that negotiates contracts on behalf of its member companies and organizations. By pooling demand for goods and services, GPOs are able to unlock lower prices and better service agreements from suppliers and contractors on behalf of their members. Joining a GPO typically involves executing a membership agreement as well as a small annual fee; members then gain access to the GPO's full catalog of products, serviced by the GPO's preferred distributor. Some GPOs offer solutions for multiple product lines, from food products to custodial supplies, equipment, and more.

DCPS' self-operated meal program pilot ("Self-Op") is a member of a nonprofit GPO called HPS. Joining HPS did not require a competitive bid process because the associated membership fee falls into the category of a micro-procurement (less than \$10,000). Notwithstanding, the task orders (purchases) that Self-Op issues through HPS to the contractors far exceed the micro-procurement threshold. Under normal circumstances purchases of this size require competitive solicitation. Through HPS, Self-Op works with Gordon Food Service as its primary grocery vendor.

Three Examples of Ineffective Solicitation and Contract Management

DCPS Food Service Management Solicitation Timeline

Release 1: March 17-June 22

7 amendments, three delays, change in CBE requirement, cancelled.

March 17, 2022

DCPS releases GAGA-2022-R-0053, “Food Services Management Company (FSMC)” RFP, **due April 6, 16 days. Legal requirement for RFPs is that they are open 21 days.**

+ 1 day [Amendment] [Delay]

March 18, 2022: DCPS releases Amendment 001, changes due date to April 14

+ 6 day [Amendment] [Delay]

March 24, 2022: Pre-proposal conference; releases Amendment 002, adjusting a key date in the RFP.

+ 1 day [Amendment]

March 25, 2022: Amendment 003. correcting several errors and key dates in the RFP.

+5 days [Amendment]

March 30, 2022: DCPS releases Amendment 004 changing several key dates in the RFP.

+ 7 days [Amendment]

April 6, 2022: Amendment 005

Four corrected attachments

+ 7 days [Amendment] [Delay]

April 13, 2022: Amendment 006. Changes the due date from April 14 to April 29.

+ 9 days [Amendment]

April 22, 2022: DCPS releases Amendment 007. CBE subcontracting requirement retracted.

+ 60 days [Cancellation]

June 22, 2022: DCPS cancels the RFP “in its entirety.” No explanation is provided to bidders and no scoring information is released.

Release 2: November 27, 2022 - May 11, 2023

2 amendments, two delays, one change in evaluation criteria.

+ 5 months [Rerelease]

November 27, 2022: Releases a revised RFP with a due date of December 28, 2022 (between Christmas and New Year’s Eve holidays). The RFP reorders and rephrases its narrative questions and tweaks its many attachments, requiring an almost totally re-written response. It also omits any requirement, or associated scoring, for a taste test.

+ 14 days [Amendment] [Delay]

December 9, 2022: DCPS releases Amendment 001, delays due date to January 9, 2023 and correcting a series of errors.

+ 13 days [Amendment] [Delay]

December 22, 2022: DCPS posts answers to bidder questions (two days late), releases Amendment 003, and delays due date to January 11.

+ 2 months [Change in Evaluation Criteria]

March 2, 2023: Taste test had been notably removed since previous solicitation, now reintroduced with no scoring information provided: “[I]t has been determined that a small sampling conducted via a blind taste test is needed.”

+ 1 month [BAFO] [Disregard for religious and federal holidays]

April 5, 2023: DCPS issues BAFO request on a Wednesday during Passover and Ramadan and heading into Easter weekend, due the following Tuesday. The BAFO required numerous pages of new text and evidence. Messages to DCPS procurement staff during the assembly of the BAFO received out-of-office auto-replies.

Reopened RFP: May 11, 2023 - August 29, 2023

One amendment, two delays, awards, and rescission

+ 1 month [Re-release] [Amendment] [Delay]

May 11, 2023: DCPS re-opens the entire RFP until May 22, which does not adhere to minimum legal requirement of 21 days for an RFP; requires active bidders to resubmit proposals even if BAFO had been provided. The re-release also changes subcontracting requirements as well as the performance period.

+ 11 days [Delay]

May 22, 2023: On the due date, extends the re-opened RFP due date from May 22 to May 26.

2 months [Awards]

June 22, 2023: Selected vendors receive proposed contract for GAGA-2022-R-0385, beginning 10/1/2023, to review and sign.

2 months [Awards Rescinded]

August 29, 2023: DCPS rescinds its proposed contract awards, citing “a need to continue the evaluation phase of solicitation GAGA-2022-R-0385 for the Food Management Services Company. Due to this need, a decision was made to rescind the proposed contract award.”

1 month [Amendment]

September 18, 2023: DCPS releases amendment indicating that a) bidders can submit proposals for one or more clusters, which will be evaluated individually and b) it contemplates making three awards, distributed equally.

1 month [Amendment]

September 18, 2023: DCPS releases responses to FAQ submitted on September 11, 2023.

9 months [Awards]

DCPS issues three awards:

Aramark (\$13.5M), DC Central Kitchen (\$11.2M), and SodexoMagic (\$20M).

Two years from solicitation to contract: It took two years to complete this solicitation; a successful procurement should take up to six months. This was the first time that the contract had been rebid since 2015, as the COVID-19 emergency allowed DCPS to extend its agreements with their current vendors. DCPS had more than sufficient time to plan for this procurement.

DACL Community Dining and Home-Delivered Meals

Contract with Run Veggie, LLC. One letter Contract, eight amendments.

Council resolution for more than 4x (>\$4M) of original letter contract value, approved 10 months later.

This timeline has been reconstructed from the information made available on the District's [Legislative Information Management System \(LIMS\)](#). Run Veggie has just one contract in the OCP Transparency Portal, which is with DYRS, not DACL. The DACL contract is not available on the Portal even though the Council package links to the OCP website.

May 1, 2022

OCP on behalf of DACL issued a letter contract to Run Veggie for the period of May 16, 2022-through September 15, 2022, in the not-to-exceed amount of \$600,000. OCP promises to definitize the contract, totaling \$1,552,216 in 120 days. Letter says that if contract is not definitized within 120 days, it will expire.

+ 10 months [Retroactive Approval] [Modifications] [Total Value Increase]

March 1, 2023

Mayor [submits Contract No. CW98891](#) for retroactive approval which includes [Modification Nos. 1, 2, 3, 4, 5, 6, 7 and 8 to Letter Contract No. CW98891](#) and definitized Contract No. CW98891 with Run Veggie, LLC to prepare and deliver meals and supplements to DACL program participants. The total contract amount is now \$4,200,207 - a \$2,690,000 increase.

The submission indicates that the Contracting Officer was notified of the proposed change on May 2, 2022, just one day after the Letter Contract had been issued.

Lists payments under following modifications:

+ 2 months - Modification No. 1

July 1, 2022 - NTE +\$350,000 (\$950,000 total)

+ 3 months - Modification No. 6

October 5, 2022 to October 31, 2022 at no additional cost.

+ 21 days - Modification No. 7

Oct 31 2022 NTE \$870,000 - (\$1,820,000 total) through January 17

+ 3 months - Modification No. 8

January 13, 2023 NTE \$870,000 - (\$2,690,000 total)

+ 2.5 months - Resolution

March 1, 2023: OCP now proposes to definitize Contract No. CW98891 for the period May 16, 2022 through May 15, 2023 in the total not-to-exceed amount of \$4,200,207.14. This Council submission is for retroactive approval, so that Run Veggie can get paid in amounts above \$1M, but Run Veggie has already been paid \$2.69M.

+ 2.5 months - Modification No. 12

May 15, 2023: Modification No. 12 exercised a part of option year one for the period May 16, 2023 through July 15, 2024, in the not-to-exceed amount of \$687,463.97

+ 1 month - Resolution, Modification No. 13 - 6x increase in contract value

Note 1: These modifications do not account for the full price difference.

Note 2: OCP was able to execute these modifications on the required timeline.

July 11, 2023 (introduced June 30, 2023): Exercises the remainder of Option year 1, shortens the period of performance from ending July 14, 2024 to May 15, 2024 and increases contract value to \$4,124,783.80.

This is the last submission available on LIMS. At the time of publishing this report, the contract is eight months past its approved performance period.

DPR Summer Food Service Program (SFSP), Child and Adult Care Feeding Program (CACFP)

April 17, 2023

RFP Issued for SFSP and CACFP, due May 5 (21 business days.) There is a discrepancy with RFP, which says due June 5. Contract for one year from date of award, period of performance listed as June 19-August 25, 2023.

+ 1 day, April 18, 2023: Amendment 001

Changes bid bond requirement from within 10 days of contract award, to requiring bid bond with bid submission.

+ 10 days, April 28, 2023: Amendment 002

Correcting an attachment that was incorporated by reference; Corrected bid submission deadline from June 5 to May 5, 2023. Made changes to scope of services: changes meal delivery time. Adds requirement for tasting events.

+ 3 days, May 1, 2023: Amendment 003

Four days before the due date,

Changed from intent to make one award to intent to make one or more awards. Clarified that vendors can submit a proposal for either the SFSP and CACFP programs.

+ 21 days, May 22, 2023: Amendment 004

17 days after the due date

On the Transparency Portal, the solicitation is listed as open as of June 8, 2023 11:56:13 AM. The solicitation title changed to DPR SFSP Child Nutrition Food Program. The solicitation type changed from RFP to IFB. Solicitation changed to remove CACFP and all of its components. Solicitation reopened with a new closing date June 5, 2023. The scope of services removed requirement for Mobile Meals.



Selection.

The District's evaluation processes are not set up to select the strongest proposal.

Evaluation panels typically have insufficient food sector expertise to effectively assess bids.

18. The agency and OCP staff that make up evaluation panels are not food sector experts.

Issuing solicitations for food service is just one of many responsibilities of agency staff that manage direct service programs. While agencies receive support from OCP for procurement procedures and technical matters, they do not receive an equivalent level of support from the Office of Food Policy on food industry issues. The result is that evaluation panels will commonly lack sufficient subject matter knowledge to evaluate solicitations or bids for their feasibility, achievability, or price. For example, if a solicitation received a proposal from a nonprofit or CBE claiming capacity to fulfill daily hot meal delivery to 100 different locations, the evaluation panel may not have the industry knowledge to question the veracity of the proposal and further probe the bidder's resources to provide services as represented.

The District does not effectively compare bids and vendors.

19. Proposal design is at the discretion of the vendor.

Although solicitations include a statement of work describing an agency's food service needs and requirements, they offer minimal guidance for how prospective vendors must explain their capacity to deliver services. Proposal content and design are thus at the discretion of each prospective vendor, some of whom submit proposals exceeding 200 or 300 pages. This handicaps the evaluation process by making direct comparisons among vendors more challenging. It also creates advantages for incumbent and better-resourced vendors, particularly national firms, that have dedicated staff resources to create bids.

20. Evaluation panels rely too heavily on written proposals when implementation also needs robust assessment.

When selecting food service providers, first-hand evaluations of bidders' facilities and meal quality to supplement their written proposals would be logical. However,

verification of a vendor’s ability to deliver services—including taste tests, site visits, or reference checks—is not consistently included as part of vendor evaluations. Some procurements, like DCPS’s food service management solicitation, rely on bidders to provide [reference checks](#), which can lead to biased responses. At the same time, agency personnel allege that site visits are contrived and inauthentic. Furthermore, there is no apparent correlation between the total value of the potential award and the steps or rigor of the evaluation process.

Example: One CBE has claimed their physical location in the District while several clients believe they are based in Maryland. This vendor has received awards from both DYRS and DACL.

Example: In February 2023, DCPS removed taste test evaluation criteria without comment from its second release of its 2022 Food Services Management Company RFP. They later responded to prospective bidders with the following announcement: “Although a taste test is not part of the solicitation evaluation criteria (section M.3), the FSMC requirement is critically important to our students, staff, DCPS leadership and key stakeholders; thus, it has been determined that a small sampling conducted via a blind taste test is needed.” DCPS never provided bidders information about how the taste test would be incorporated into the evaluation criteria.

21. Most evaluation panels are price blind.

The District’s procurement process is governed by the OCP Procurement Procedures Manual (the Manual). While the Manual provides detailed guidance on many aspects of the process, it lacks explanations for when and why Contracting Officers can exercise their discretionary, often unilateral, decision making power, including the disclosure of price bids to an evaluation panel. The Manual states: “Once the evaluation panel submits its consensus technical evaluation report, the Contracting Officer **may** [emphasis added] distribute the price proposals to the panel.” As a result, several food procurement evaluation panels are assessing bids without access to pricing. This undermines the efficacy of the scoring process as cost-benefit analysis of proposed service features, including values-based criteria, cannot be compared. In these instances, the Contracting Officer is the sole evaluator of pricing.

Information sharing across agencies and OCP-to-agency is poor.

22. There is no useful record of past vendor performance.

Agency staff noted the absence of information sharing among the seven food-procuring agencies as a challenge to making more informed selections. Although OCP maintains [an excluded parties list](#), this resource only captures the short list of

vendors whose legal infractions disqualify them as eligible vendors, falling short of the substantive reference check that evaluation panels could use to assess vendor quality.

23. Penalties and cure notices are not public or available to sister agencies.

Agencies use cure notices to provide vendors with both a warning and call to action—they describe how the vendor is out of compliance and demand a solution (or cure) within a certain timeframe; uncured problems lead to financial penalties. Neither agency staff nor members of the public have access to cure notice archives, obscuring vendors' performance records as District contractors.

Even robust evaluation processes are fraught with interagency tension.

24. Contracting Officers have significant unilateral decision-making power, resulting in a stringent bureaucratic process with practices that vary widely.

As introduced above, the Procurement Manual allows Contracting Officers to exercise significant discretion with certain aspects of the procurement process, often without justification or provision for agency appeal. Empowering Contracting Officers to act as sole decision makers undermines the collaborative relationship between OCP and the agency as well as the transparency of the procurement process and its outcomes. There are several moments along the procurement lifecycle where agency staff describe this takes place, examples outlined in the box *OCP's Unilateral Authority throughout the Procurement Lifecycle* on pages 55-56.

25. Agencies have little recourse to contest OCP's decisions.

To further complicate the power dynamic between OCP and the contracting agency, there are few metrics or accountability structures that incentivize OCP to align with agency priorities. Agency staff frequently claim that OCP staff shut them out of the procurement process, both before and during evaluation. As mentioned above, the only proven intervention for resolving concerns between procuring agencies and OCP is at the director-level, an escalation which staff reserve for only the most serious issues. This further undercuts opportunities to advance values-based procurement.

26. OCP decisions lack predictability, making it difficult for agencies to collaborate.

OCP rigorously enforces procedural requirements, though the requirements they enforce vary case-by-case. This lack of transparency undermines the entire solicitation process, as there is a) no clear explanation for inconsistencies or b) documentation of previous decisions to guide future actions.

Payment.

The District pays premium prices for its food programs and frequently compensates vendors for services and outcomes that are not delivered in full.

OCP and agencies do not negotiate prices.

27. Agency staff say they have been directed “not to negotiate” prices.

Across all contracts, OCP and agency staff are not engaging in price negotiations even though it is explicitly allowed by law (D.C. Official Code § 2-354.03(h)) and indicated in the Procurement Procedures Manual.

28. The Procurement Manual does not outline the process of negotiation.

There is no clear process for how OCP and agency staff should approach requests for price reductions or modifications in service. Although the Procurement Manual outlines in great detail procedures and requirements preceding negotiations—including preparing a pre-negotiation Business Clearance Memorandum and requesting Best and Final Offer—it does not offer the same step-by-step explanation for how OCP or agencies can and should negotiate price adjustments from the final set of competing vendors.

Payments are ineffective and inefficient.

29. Unitized pricing results in inflated prices.

Firm, fixed unit contracts—the practice of paying a fixed price per meal served—forces vendors to account for all contract costs in the price per meal, from food-related costs like ingredients and packaging, to fixed costs like labor and benefits, as well as unforeseen losses. Vendors inflate the unit price in an attempt to account for unpredictable factors, the most significant being the number of meals they will have a chance to serve.

Definition of unitized pricing: vendors are compensated exclusively at a fixed rate per meal, outlined in the contract, for the number of meals served.

The following non-food costs are loaded into the price per meal:

- » Direct labor
- » Indirect costs (fringe, overhead, and general & administrative); and
- » Other direct Costs (materials, travel, reproduction, postage, telephone, supplies for the prime and all subcontracted effort. It is up to the vendor to itemize “other direct costs” in their price proposal.)

See page 43 for an outline of the lunch prices from DCPS’ three vendors. Aramark and SodexoMagic price meals differently based on the schools where they will be served. When agency personnel were asked why cluster pricing varies so greatly, they responded that they don’t have a clear understanding for why or what drives the fluctuations. They postulated that it could be because of the Community Eligibility groupings, volume of meals by cluster, distribution of free vs. reduced price, or even that some schools demand higher quality foods. The vendor does not provide the agency with a clear or conclusive understanding around price fluctuations.

While unitized pricing is common practice, it appears that the District is paying particularly high rates for its food programs. One interviewee, a former food service management professional who had no affiliation with the DCPS contracts, commented that the price of \$7-8 per plate is significantly above average for K-12 contracts and is closer to the “premium private” rate typically paid by a university, where clients (students) also contribute significantly to the cost of the food service program.

30. Unitized payment precludes the District from adjusting or reserving budget allocations for specific values-based line items.

By bundling all costs into a per-meal payment, the District lacks visibility into the vendor’s precise use of funds and the ability to allocate dollars for specific outcomes without increasing the overall contract cost indiscriminately. For example, if the District asked its food service vendors to begin sourcing chicken products from small and mid-size farms, it would lack the flexibility to adjust payment without distributing the cost increase across all meals served.

31. Unitized pricing doesn’t allow for responsive payment based on services delivered.

As described above, food service contracts stipulate payment based on the number of meals served. Agencies pay vendors the full price even when they only partially fulfill their contract obligations so long as meals are served. Recourse for incomplete contract fulfillment is penalties. Instead of paying based on the partial services delivered, agencies must issue and administer cure notices, and follow up by withholding payment when a vendor is out of compliance with the contract

requirements. Agencies are sometimes reluctant to issue penalties because they need to preserve an amicable working relationship with food service vendors. Note, a penalty is an example of an unpredictable cost that drives vendors to pad their per-meal prices.

32. The District’s payment practices don’t work for small vendors.

Though the District’s Quick Payment Provisions (D.C. Official Code § 2-221.01 et seq.) enumerate the number of days after receipt of an invoice that the District must pay its contractors, vendors described how, in practice, agencies are able to delay their invoice submissions and subsequent payments. One vendor described a situation where they were owed \$3 million for six months, which was not paid with interest (1.5%) as the law requires. Ironically, this decision was attributed to the fact that their contract had been deemed invalid, though they were fully operational, because it had not yet been approved by Council.

Federal Child Nutrition Program regulations and reimbursement practices entrench per-meal payments.

Federal restrictions on the use of [Child Nutrition Program](#) funding has important implications for the design of agency food programs. For example, [7 CFR Part 210](#) requires state agencies to pay their school food authorities a fixed price per meal. In schools, it also requires an “offer versus serve” model, which disallows meal payments when students do not take all five meal components. How these regulations flow from SFAs to vendors, and how they apply to other agencies, requires further investigation. To better understand opportunities for contracting flexibility while remaining in compliance with federal regulations, the District should seek guidance from legal experts in contracting, procurement, and child nutrition program regulations. The implicated programs include:

- » National School Lunch and Breakfast, Afterschool Meals- DCPS, DYRS, charter schools
- » Child and Adult Care Feeding Program - DCPS, DACL, charter schools
- » Summer Food Service Program - DPR, DCPS

DCPS Lunch Price Per Unit for Base Year 2024

Aramark

\$5.26	Cluster 2 - 12 schools
\$8.14	Cluster 5 - 5 schools
\$6.39	Cluster 6 - 10 schools
\$5.54	Cluster 7 - 10 schools
\$6.33	Average Lunch Price
\$2.88	Difference between highest and lowest cost lunch

SodexoMagic

\$5.56	Cluster 3 - 11 schools
\$4.71	Cluster 4 - 10 schools
\$5.19	Cluster 8 - 14 schools
\$5.71	Cluster 9 - 13 schools
\$5.29	Average Lunch Price
\$1.00	Difference between highest and lowest cost lunch

DC Central Kitchen

\$6.20	Cluster 1 - 12 schools
\$6.20	Cluster 10 - 12 schools
\$6.20	Average Lunch Price
n/a	Difference between highest and lowest cost lunch

Note: All of the above meal prices exceed the USDA's National School Lunch Program 2024-25 reimbursement rate (a maximum of \$4.69 per meal), meaning that the District pays the remaining cost of meals from the local budget.

Requirements.

Food service contracts are plagued by vague and unenforceable requirements, unreasonable service standards, and an ineffective CBE program.

There is little accountability for values-based procurement.

33. In the absence of clear expectations, values-based procurement goals seem optional.

Because the District has not assigned target metrics or required contract language for achieving values-based food procurement goals to each of the seven food purchasing agencies, the overall responsibility to achieve these goals is diffuse. Therefore, program and OCP staff often interpret them as optional—a relief, as they are also perceived as burdensome and expensive.

Example: DOC has stated that they cannot reduce servings of processed meats, a best practice under the Green Food Purchasing Act that would help the city meet its GHG reduction targets, without resulting in significant program disruption and price increases.

34. There is no practice of using food contract templates to ensure that values-based procurement goals are applied consistency across procurements.

While OCP claims that they maintain a central repository of contract templates, food solicitations and contracts issued over the past several years lack uniformity. Furthermore, because food contracts are handled by different Contracting Officers and by different sub-units of OCP, they inconsistently include requirements and vary in their structure and readability. As mentioned in the “Solicitations” section above, this often leads to errors, which OCP and agencies correct by issuing amendments.

35. Vendor compliance with contractual requirements is not consistently enforced.

Vendors are often out of compliance with fundamental and food-related legal requirements. In order to deliver on the values-based procurement components of the contract, vendors often need a high degree of technical assistance as well as robust oversight and enforcement.

Example: According to DOEE’s Green Food Purchasing Analyst, even when agencies are aware of the District’s Green Food guidelines and their contractual requirements, that does not mean that vendors will voluntarily comply. The Analyst frequently works directly with vendors to help them adapt their menus to meet the standards outlined in the contract and mandated by GFPA. This involves developing best practices and communicating with vendors on topics such as culturally appropriate items and plant-based meals.

Example: Before 2024, vendors inconsistently enforced universal background checks for school-based food service staff. This came to light during the 2024 vendor transition, when the District strictly enforced background checks as mandated by the Displaced Workers Act in order for new vendors to begin operations.

36. Values-based procurement requirements, even when law, are often omitted from contracts.

It is OCP’s responsibility to ensure that all contracts are up-to-date with all legal requirements. However, there is no consistent process for translating new District laws and commitments into procurement standards. For example, several new food contracts and option year renewals failed to include the approved language related to values-based procurement, such as those required by the Green Food Purchasing Act. This has been true despite the GFPA program analyst’s efforts to support both agency and OCP staff with the implementation of the new requirement.

Example: As part of the Environmentally Preferable Products and Services (EPPS) Policy (2015), OCP created standard language for agency personnel to use in their statements of work to promote sustainability in procurement, including Statement of Work Environmental Specification Guidance for Food Services. To date, aside from DCPS contracts, which stipulate 20% local food procurement, none of the District’s food service contracts include any of the standardized EPPS statement of work language, including sustainability goals, 80% local seafood procurement, food waste, or local food reporting. This is despite the fact that OCP has the final review of the statement of work to ensure it includes all applicable language.

37. Rules and funding streams are sometimes misaligned and conflicting.

There are some cases where agencies secure the same food services using multiple funding methods. For example, DPR’s Summer Food Service Program (SFSP) purchases vended meals using grants, contracts, and partnership agreements. To add to the confusion, it is unclear how these funding streams compete with one another, and how vendors should plan their engagement with the agency accordingly. If, for instance,

a vendor has an active partnership agreement with DPR, it may preclude them from receiving a grant for services that are named in the scope of the agreement.

Insufficiently defined requirements handicap overall contract enforceability.

38. There is not a consistent practice of incorporating winning proposal features, other than price, into contracts.

Many contracts are solely based on the solicitation text and do not incorporate service details from the winning vendor's proposal. Without this information, the vendor is not technically required to deliver the specific services and outcomes that led to the award in the first place, which are presumably reflected in the contract price.

39. Some contracts use unenforceable language to communicate aspirational values-based food standards.

Food contracts often use nonspecific language to communicate values-based food standards, such as "where possible," "whenever possible" or "strongly opposed." This vague language fails to define actual requirements, address cost implications, or define any penalties when products "strongly opposed" are served, which makes them difficult or impossible to enforce.

Examples:

DPR's 2024 CACFP contract, Whitsons Culinary Group:

- » *Local, organic, hormone, antibiotic and additive free milk without artificial ingredients to be used whenever possible.*
- » *Local, grass-fed, free-range, hormone and antibiotic free meats are to be used whenever possible.*

DPR's 2023 SFSP solicitation

- » *Locally sourced, hormone and antibiotic-free meats where possible.*
- » *Locally sourced, hormone and antibiotic-free dairy products where possible.*

DCPS School Food Service Agreement 2024

» DCPS and its greater community are strongly opposed to pre-packaged, commercial industry products.

» **These products are served regularly in schools.**

» An example from the 2024 Aramark menu:



» Products containing hormones or antibiotics must meet GFPP standards.

» **This requirement is confusing as GFPP does not provide minimum standards.**

» Use of locally grown or raised unprocessed foods from growers engaged in sustainable agriculture practices whenever possible, with a minimum of once daily.

» FSMC shall work in collaboration with DCPS FNS to identify current and future opportunities for values-based purchasing within current and future environmental restrictions based on action items identified by the Good Food Purchasing Program (GFPP) baseline and follow-up assessments.

Example: The Healthy Schools Act authorizes OSSE to compensate school food authorities (SFAs) an additional five cents (Local5) once per day when a meal includes a local component (D.C. Official Code § 38-821.02(c)(5)(A)). However, instead of operating as a genuine incentive, SFAs automatically receive this payment regardless of their vendor's procurement practices. OSSE justifies this approach by citing the administrative costs associated with a true incentive program. Without the need for validation, OSSE lacks immediate access to Local5 results. This example also illustrates a challenge with implementing values-based procurement models in a vended district, as the incentive must flow through the state to the SFA and then to the vendor.

40. Some contracts have undefined requirements for special events.

Several of the food service management contracts include requirements for special events or additional meal service provision; however, they do not offer detail around the frequency or volume of these events or explain the compensation for extracurricular service. This can create significant challenges, such as uncertainty about costs and scope, potential disputes over payment and service fulfillment, and difficulties in prioritizing and delegating resources. Undefined requirements may drive up the cost of the overall contract, as well.

Example: DCPS Food Service Management Contract has a provision for “Extracurricular requests for food service” (i/e, special events), which mandates that the food service provider participate in and create menus for special events and initiatives. The payment for these events is not explicitly detailed in the contract. For example, while events like International Food Days are absorbed into the normal budget, despite requiring significant vendor time and effort, events like the Back to School Block Party, which necessitate vendor participation in procurement, transportation, and staffing, are reimbursed through subsequent monthly invoicing. This lack of standardized practice creates budgetary and operational challenges for vendors. Alternatively, DCPS might have separate funding mechanisms for special events. Further clarification on the payment arrangement for these events would advance pricing transparency as well as both agency and vendor accountability.

Example: Section C.5.6.12 of DPR’s 2023-24 Summer Food Service contract specifies that the agency may occasionally need additional meals beyond the usual daily meal counts for “special programs and/or events.” The Contractor is obligated to comply with these requests upon receiving notice. The specific nature of these programs or the amount of advance notice required is not defined, leaving it open to DPR’s discretion.

Example: DACL’s 2018 contract with Moms Meals (Purfoods, llc) includes a provision for large-scale senior events like holiday celebrations and picnics, which may require a significantly higher volume of meals. The contract does not specify how frequently these will occur or how large they might be. The contract does not specify a separate payment structure for special events, suggesting the vendor would likely have been paid for special events according to the established per-meal prices.

The CBE Program is not an effective model for achieving food system goals.

41. The District pays a premium for CBE subcontracting, but this does not drive its achievement of regional food systems goals.

CBE subcontracting increases the total cost of contracts for two key reasons: 1) as small businesses, CBEs often charge higher rates relative to their national competitors; 2) prime vendors incur additional costs associated with subcontracting. The District expects the CBE requirement to result in higher prices, and justifies the cost as support for local businesses.

For food contracts, this approach does not align with the vendor landscape, values-based procurement, or the District's city-wide sustainability goals. DC's urban environment has limited local food producers, distributors, and processors, driving prime vendors to subcontract secondary services rather than those positioned to advance regional and equitable food system development. For example, this has been the case with DOC's food service management contractor, Aramark, which in the past has subcontracted custodial and payroll services to CBEs. DSLBD is responsible for cultivating local business capacity to fulfill District procurements; to connect local businesses to public procurements, they organize matchmaking events, training events, and more. However, these efforts have not been responsive to the specific needs and constraints of food sector businesses, such as proximity to farms and warehousing capacity.

42. There are numerous local food businesses and nonprofit organizations that could supply prime vendors, but the CBE program does not facilitate these opportunities.

The CBE program is not a good fit for the District's food service landscape for several reasons. As mentioned above, the city's geographic boundaries mean that the food businesses incorporated in the District are primarily producers of prepared and packaged food products, not raw ingredients. These types of businesses are better positioned to supply, rather than subcontract with, food service management companies that deliver meal service. The CBE program does not include a provision for procurement (i/e, *purchasing* from local businesses) as an alternative model for sharing the contract value. Furthermore, the CBE program's exclusion of nonprofit organizations, which includes a sizable set of potential vendors, limits its efficacy for food procurements. With subcontracting as the only tool, the options for prime vendor and CBE collaboration are minimal.

The District undervalues the role of nonprofit food programs in meeting residents' needs.

43. Agencies often overlook the value of philanthropically-funded food service programs.

The District is home to dozens of nonprofit organizations that operate food and meal distribution programs funded through grants and donations. These are welcome supplements, as the District's feeding contracts do not reach all residents in need, namely DPR's summer feeding program, DACL home-delivered meals, and DHS shelter meals. The process of drafting statements of work for solicitations lacks a dedicated step to assess whether third-party programs fill the gaps of the District's food procurement contracts.

Example: One organization provides medically-tailored meals to seniors with complex health needs, a level of service that DACL's contracted home-delivered meal vendor cannot fulfill. The organization was in conversation with the agency to explore how it could support this subset of seniors while the contracted vendor would continue providing meals to the general population. However, DACL did not have the capacity to implement a process to identify, screen, and enroll these individuals, or provide funding to the organization to independently manage one, because its resources were tied up with the vendor that was comparatively lower performing.

44. Nonprofits are not eligible CBEs.

Despite nonprofits' significant contributions to the District's food economy and services—they collectively bring in millions of federal and philanthropic dollars to the District and create hundreds of local jobs—many of these organizations do not have capacity to independently fulfill large food service contracts. However, they would make strong partners for prime vendors as they are uniquely positioned to leverage external funding and enhance impact outcomes. Notwithstanding, as nonprofit organizations, none are eligible CBEs for subcontracting, and are therefore overlooked by the District and prime vendors as potential partners.

Accountability.

The procurement process lacks the transparency, feedback loops, ownership, and centralization needed to expose challenges and inconsistencies and empower District leaders to take action.

The District is not set up to identify and address food procurement challenges.

45. Public access to procurement documents is poor.

While OCP maintains the [Contracts and Procurement Transparency Portal](#), accessing all active and past food service management RFPs, contracts, and amendments can be challenging. Only a portion of agencies' food service contracts are publicly listed on the portal. Related documents, such as solicitations, amendments, contracts, and extensions are not consistently linked together; to make navigability worse, the search function is unreliable. Many contracts are missing entirely.

Additionally, program staff and contract administrators across agencies may have varying understanding of the required public access to these documents. While the contract administrator at the DOC was willing to share the executed contract agreement (which is also publicly listed on the Transparency Portal), the Food Program Manager at DPR was not willing to share current or former solicitations or contracts, or disclose the names of their vendors. These inconsistencies conflict with the transparency requirements outlined in the DC Code, Transparency in Contracting, which stipulates that a copy of all contracts over \$100,000 must be provided on the Transparency Portal; agencies with independent procurement authority, such as DCPS, are not exempt from transparency requirements (D.C. Official Code : § 2-361.04). DCPS maintains its own [Doing Business with DCPS](#) website, where they list their food service RFPs and some contracts, in lieu of making them available on the Transparency Portal. However, DCPS required a FOIA (Freedom of Information Act) request in order to share its active food service contract agreements for the purpose of this report.

46. Council oversight of food programs is fragmented.

Because food procurement occurs across seven different agencies, oversight of these contracts is also shared among various Council committees. This decentralized and shared responsibility among committees complicates the oversight process. Furthermore, food service is often viewed as a secondary or supporting function within these agencies, rather than a primary focus. (Ex: DACL's congregate dining service and home delivered meals is just one among several programs that serve seniors.) Consequently, Committee interest and inquiries regarding food procurements may be limited or tangential. What's more, **Council oversight is nearly eliminated when food contracts are subawards.** Food service contracts that support DHS's homeless and shelter meal services are administered as subcontracts between the prime vendor (The Community Partnership) and its vendors, DC Central Kitchen and Henry's Soul Café.

47. Responsibility for food procurements is distributed across several OCP Contracting Officers.

OCP organizes its activities into clusters whereby one Contracting Officer is responsible for supporting a group of agencies (a "cluster") with all of its procurements. The seven agencies that purchase food are not grouped together but rather distributed across clusters, fostering a wide range of practices that do not always align to agency or District goals. Further, OCP has one just employee, resourced at only partial effort, who is responsible for supporting all clusters and Contracting Officers with implementing sustainable procurement across all categories. Together, these features of OCP's internal structure prevent a) standardization of food procurement processes and documents, and b) exchange of knowledge and best practices among Contracting Officers and agency staff who are leading food procurements.

48. Vendor feedback is not incorporated into the procurement process—at least not publicly.

The OCP Office of the Ombudsman was established in 2017 "to support contractors and subcontractors, operating under a valid District contract, to communicate their complaints, concerns and suggestions related to OCP's contracting and procurement matters." Neither the content nor number of complaints are made public, making it difficult to determine vendor awareness and use of this feedback channel.

Interviewees, including Contracting Officers, agency staff, and the Ombudsman, made no mention of any requirements for documenting and integrating vendor feedback into the procurement process. In fact, vendors shared that they were not aware of the Ombudsman's role. As the Ombudsman is housed at OCP and reports to the Chief Procurement Officer, it is plausible that vendors are hesitant to submit complaints, as they want to maintain good working relationships with the agency.

Example: In May of 2023, one prospective vendor submitted written feedback to DPR's Contracting Officer in response to her question about their decision to forgo a contracting opportunity. The email thoughtfully outlined several addressable issues with both the solicitation process and the required services, including: 1) having just 10 business days to create and submit a proposal; 2) the volume of sites and daily deliveries (100 per day); 3) the agency's preference to make a single award; 4) the turnaround time from contract award to implementation (4 weeks). Interestingly, the vendor explained how contracting delays from another agency undermined their ability to make commitments and allocate resources to any other contract. The Contracting Officer did not provide a substantive response to the prospective vendor.

49. Many agencies are hesitant to provide feedback to OCP.

One of the most perplexing practices at OCP is the dual role of the Ombudsman, who is expected to advocate for both vendors and agencies depending on the situation. However, interviews with the Ombudsman revealed a lack of awareness of agencies' most fundamental or pressing concerns. It is likely that agency personnel may be reluctant to raise complaints about the procurement process due to their dependence on OCP's decisioning power. It is also possible that, like vendors, agencies are not aware of the Ombudsman's office as a feedback channel for OCP. When challenges arise in the procurement lifecycle, program staff attempt to resolve them directly with their Contracting Officers, escalating only the most serious issues to the agency directors. Finally, some agencies describe a culture of limiting critical feedback about sister agencies during the oversight process.

50. Despite years-long procurement timelines, agencies and OCP do little advance planning.

Except in cases of unplanned vendor termination, food procurements follow a predictable schedule, typically occurring every five years. Nonetheless, neither OCP nor agencies seem to take advanced initiative in the intervening five years to revisit challenges with previous solicitations in order to take measures to improve results—or even to ensure that procurements are completed in a timely manner.

Example: The lack of advance planning in food contracts can significantly limit opportunities for local procurement. Local farmers and food producers often require as much as 12 month's lead time to adjust their production schedules to meet specific contract requirements. Without this advance notice, it becomes challenging for them to partner with and meaningfully supply food service vendors, hindering the District's ability to support food system development.

51. There is a high barrier to terminate vendors.

For all the reasons described through this section, agencies are reluctant to terminate subpar vendors. The procurement process, and OCP as its steward, in effort to promote fairness and competition, makes it difficult to swiftly secure a new vendor. Most saliently, agency staff are keenly aware that a new solicitation still runs the risk of selecting a subpar vendor.

OCP's Unilateral Authority

throughout the Procurement Lifecycle

Solicitations

- » **There is no set standard expectations or “standard operating procedure” shared from OCP to agencies:** Such as steps in the process, timeline, or milestones
- » **To IFB or RFP (non food contracts):** Agencies describe an inflexible process for determining the type of solicitation that should be released.
- » **Determinations on allowable use of federal funds:** OCP staff have made different interpretations of federal procurement regulations and requirements, including whether or not agencies must seek a CBE waiver when a contract makes use of federal funds. In the past, this has resulted in modifications and delays in the solicitation process.
- » **Waivers:** Some Contracting Officers firmly control whether agencies are allowed to pursue CBE subcontracting waivers from DSLBD. This is particularly frustrating to agencies that have had poor experiences with CBE vendors.
- » **Providing reasonable updates:** OCP will not share the status of a draft solicitation within OCP. When delays occur, agencies cannot determine where in the process the procurement is stuck or the cause of the delay.
- » **Releasing the Solicitation:** Agencies have no control over when the final solicitation is released. In some cases, OCP had not informed the agency when the solicitation has been released to the public.
- » **Limiting where solicitations are posted:** Agencies complain that OCP will not allow them to publish procurement solicitations as they would grant funding opportunities.
- » **Change in process management:** Agencies complain that when OCP experiences a staff turnover, new Contracting Officers can sometimes require an agency to restart a procurement that is in-process.

Evaluation:

- » **Pre-bid meetings:** OCP routinely plans pre-bid meetings with potential vendors without coordinating with the procuring agency.
- » **Selecting the panel:** OCP has final say on who will serve on the evaluation panel.

- » **Making a recommendation despite the input of the evaluation panel:** The Procurement Manual requires the Contracting Officer to make an independent evaluation of the proposals and cannot “simply adopt” the findings of the evaluation panel.
- » **Price disclosure:** The Contracting Officer unilaterally decides if the evaluation panel will review and score price proposals.

Negotiations:

- » **Deciding the competitive range:** The Contracting Officer determines the list of bidders that fall into the competitive range. The Procurement Manual does not define competitive range or assign a value as a percentile relative to the total number of bidders.
- » **Truncating the bidder negotiation list for “efficiency:”** When agencies move into negotiations with prospective vendors, the Procurement Manual states that they must conduct negotiations with offerers in the competitive range; however, OCP has the discretion to truncate the final list of bidders in the competitive range for efficiency if this detail was included in the solicitation.

Making and Managing Awards:

- » **Providing packages for Council approval:** For contracts over \$1M, OCP is responsible for preparing and delivering complete contract packages for Council review. OCP rarely delivers these packages to Council on time; instead, they regularly execute letter contracts for just under \$1M. They then initiate the performance contract with the vendor, effectively forcing Council into retroactive approval. Even when the review package is delivered on time, it is just before services are set to begin, at which point Council disapproval would be very disruptive.
- » **Getting access to the final contract:** Agencies often complain that they have to request the final contract package from OCP, which is particularly confusing because agency personnel are responsible for enforcing the contract.
- » **Keeping the Transparency Portal up-to-date:** OCP is responsible for managing the Transparency Portal, however, it is extremely incomplete: many contracts and related documents are unavailable. Solicitations, amendments, contracts, and modifications for the same procurement are consistently not linked to each other.
- » **Contract termination:** OCP makes it very difficult to terminate a contract for poor performance. Additionally, the lengthy procurement process makes it challenging for an agency to swiftly replace a vendor, especially for essential services. Consequently, vendors have minimal motivation to adhere strictly to contractual obligations.

Opportunities for Food Procurement Reform

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This section offers a series of actionable recommendations to address the issues identified in the previous sections. The recommendations are organized into six subjects and categorized into three subgroups:

Clarifications or guidance on existing policies and procedures which would address inconsistencies and ambiguities,

Process changes which would streamline and enhance efficiency within the District's existing procurement framework, and

New initiatives that would address gaps and promote improvement.

Several of these recommendations can be implemented at minimal cost, requiring only the approval and support necessary for agency staff to initiate and implement these change initiatives.

» *Unless otherwise specified, agencies already have the legal authority they need to implement the recommended change. The recommendations that would require new legislation are indicated by the tag* **» New Authority Needed**

44 Recommendations for Improving Food Procurement.

Improve Solicitations and Evaluation

1. Clarify best-fit procurement methods for food products and services.
2. Allow bidders to bid on portion of contract.
3. Clearly specify the number of intended awards in the solicitation to encourage participation and reduce bidder uncertainty.
4. Include details of the Ombudsman's role and contact information in both solicitation and contract documents.
5. Promote opportunities far and wide.
6. Make use of Requests for Information.
7. Extend the length of the solicitation period.
8. Create and include a narrative form in the solicitation.
9. Clearly incorporate proposal content into the final contract.
10. Require panel evaluations to conduct site visits and reference checks.
11. Require on-site taste tests as part of evaluation.
12. Require that evaluation panels have visibility into bidder price.
13. Provide written explanation of non-award to each vendor.
14. Include universal food vendor criteria in evaluation rubrics, created and maintained by the Office of Food Policy.
15. Require OCP to provide justification in the event of ad-hoc decisions.
16. Assign one agency with responsibility for legal review from solicitation to contract execution.

Promote Opportunities for Local and Regional Food Businesses in District Food Procurement

17. Clarify how the CBE set-aside policy applies for contracts using federal funds.
18. Allow agency personnel to appeal directly to DSLBD for CBE waivers.

19. Require OCP, DSLBD, procuring agency, and Office of Food Policy to engage in pre-solicitation planning.
20. Allow bidders to opt for post-award CBE subcontracting and procurement plan.
21. Create CBE variances for food contracts: 1) Substitute qualified purchases for subcontracting.
22. Create CBE variances for food contracts: 2) Substitute qualified regional businesses for CBEs.
23. Create a nonprofit pathway for CBE certification.
24. Update evaluation rubrics so that more points are awarded for local procurement of food vs secondary services.
25. Use Nourish DC to build capacity for local food businesses to participate in procurement opportunities.

Engage in New Contracting and Incentive Models

26. Clarify allowable activities and process for price negotiations.
27. Enforce the District's Quick Payment Provisions.
28. Engage in forward contracting with local producers.
29. Conduct further research on direct buying and GPO models.
30. Extend the benefits of HPS membership to all self-operated meal programs.
31. Launch a collaborative purchasing pilot.
32. Use OCP's storage facilities to build knowledge and experience of direct food procurement.
33. Adopt performance-based contracts with tiered profit incentives.

Foster Interagency Collaboration

34. Build an intranet as part of the Transparency Portal to enable interagency information sharing.
35. Create a community of practice of agency-based contract managers overseeing food procurements, convened and facilitated by the Office of Food Policy.
36. Add vended meals IDIQ to the DC Supply Schedule.
37. Incorporate piggyback clauses into food contracts.
38. Create and deliver training on addressing vendor performance.

Leverage Expertise at the Office of Food Policy

- 39.** Partner with the Office of Food Policy throughout the procurement lifecycle on all food contracts.
- 40.** Centralize tracking and oversight of food contract performance and outcomes at the Office of Food Policy.
- 41.** Incorporate the Office of Food Policy into CBE / regional food business subcontracting and procurement planning.
- 42.** Develop and maintain food procurement standards and practices.

Prioritize Transparency and Accountability

- 43.** Make clear that current and past contracts are public access.
- 44.** Modernize, monitor, and maintain the Transparency Portal.

Considerations for Fostering Accountability at OCP

Improve Solicitations and Evaluation.

The District does not leverage the solicitation process to expand the vendor pool, enhance food quality, or promote values-based procurement. Its solicitations are not aligned with the laws and commitments that implicate food, nor is the solicitation process rational or transparent. The subsequent recommendations aim to reform the solicitation process to better meet the needs of agencies and vendors in order to help ensure that the best vendors are selected.

Clarification or Guidance

1. Clarify best-fit procurement methods for food products and services.

OCP and agencies need clearer parameters around how to match food services (i/e on-site food service, vended meals, congregate meals, ingredients) to solicitation and contract type (i/e, IFB, RFP, IDIQ). While requirements contracts (RFPs) work well for predictable needs, they are less suitable for programs with fluctuating demand. In these cases, IDIQ contracts may be a better fit, as they offer more flexibility while still allowing for some level of planning. The District should issue new guidance regarding the best-fit method for food procurements, as the lack of standardization across OCP and agencies in addressing similar procurement needs leads to errors and delays.

2. Allow bidders to bid on a portion of the contract.

Breaking down contracts into smaller pieces fosters opportunity for smaller businesses to compete. What's more, allowing bidders to focus on a sub-portion of a contract may lead to more realistic, higher quality proposals and outcomes. Alongside the recommendation to specify the number of awards, described below, this can increase the number and diversity of bidders and help promote a food business landscape that is better prepared to supply future Central Food Processing facilities.

3. Clearly specify the number of intended awards in the solicitation to encourage participation and reduce bidder uncertainty.

It is common for the District to release solicitations that do not specify the number of proposals it intends to award. Clearly stating the planned number of awards would allow bidders to better assess their chances of success. This effort to increase transparency would likely encourage more vendors to submit proposals, particularly

smaller organizations that may be hesitant to invest time and resources when award potential is so unclear.

4. Include details of the Ombudsman's role and contact information in both solicitation and contract documents.

There are several issues that point to the need to communicate more effectively about the Office of the Ombudsman and its role in addressing procurement challenges. For example, at least one vendor shared that they were unfamiliar with the Ombudsman, and despite several complaints shared in interviews, the office claims that they have not received complaints about food procurements. To improve awareness and enhance efficacy of the Ombudsman, solicitations and contracts should include clear information about its role, purpose, and contact details.

5. Promote opportunities far and wide.

Under current practice, solicitations often do not reach a wide vendor pool. The District should take the following steps to improve its outreach:

Allow agencies to publish notice of solicitation and related content to the agency website. Publishing solicitation documents and any related content (such as Q+As, recorded meetings, and amendments) on the procuring agency's website would improve ease of access to solicitation documents relative to the Transparency Portal while also increasing awareness among potential bidders. They should also be shared directly with all previous bidders.

For these same reasons, **food solicitations should also be posted to the Office of Food Policy's website, dcfoodpolicy.org.**

After selection, awarded contracts should be posted to the procuring agency's website and to dcfoodpolicy.org. Publishing the agency's costs and scope of services would both enhance public transparency and also serve as a baseline reference to future bidders.

Ensure pre-bid meetings are promoted widely, in advance, and are open to the public. Details pertaining to pre-bid meetings should be broadcasted through OCP, agency, and Office of Food Policy channels. On several previous occasions, these meetings have required a login to DC's spend management system, ARIBA, making them hard to access for potential new bidders. Making these meetings public will increase transparency and accessibility for potential bidders as well as residents.

Process Change

6. Make use of Requests for Information.

Requests for Information (RFIs), also called market research, can serve multiple purposes. By using RFIs strategically, agencies can access valuable market information, engage with vendors more effectively, and ultimately improve their procurement outcomes. RFIs allow the agency to gather information about the vendor landscape, capabilities, and potential solutions for specific procurement needs. RFIs also serve to put vendors on alert that a new procurement opportunity is forthcoming, preparing them to consider a joint bid with other partners. Soliciting market research could also help the District develop more realistic solicitations and evaluation criteria rooted in a better understanding of market conditions and vendor capabilities. In this way, RFIs may help reduce the need for amendments, delays, and potential conflicts with vendors. Finally, by engaging with vendors early through RFIs, the District can provide vendors with more time to develop comprehensive and competitive proposals, potentially leading to higher-quality bids and a more diverse pool of participants.

It is worth noting that RFIs should avoid or give great consideration to requests for pricing information, as agency personnel have described how this can cause unjustified budget inflations during the proposal phase.

7. Extend the length of the solicitation period.

» **New Authority Needed**

Extending the length of the solicitation period beyond the current legal minimum (21 days) would provide vendors with adequate time to develop competitive proposals. The recommendation is to legally require that RFPs remain open for 30 business days, excluding holidays. Short submission windows are particularly problematic for supporting values-based food businesses, as prime bidders have very limited time to form partnerships and subcontracting plans with CBEs. (Several additional opportunities to improve CBE subcontracting are outlined in the section “Promote Opportunities for Local and Regional Food Businesses in District Procurement.”)

Agencies claim that solicitation development is always a rushed and under-resourced process, leading to errors, amendments, and subsequent delays. When amendments affect the proposal requirements, this adds pressure for bidders to update proposals in an already narrow submission window. In addition to extending the solicitation window to a minimum of 30 days, agencies should proactively offset the longer solicitation timeframe by releasing RFPs that are fully prepared and ready for bid.

8. Create and include a narrative form in the solicitation.

Requiring bidders to use a narrative form—a specified format that provides questions, prompts, or templates that must be completed in a specific order and at an allowable length—for their proposals will result in more standardized submissions, enabling evaluation panels to more effectively compare bids. The use of a narrative form would also help level the playing field for smaller bidders that may not have the same experience creating elaborate proposals. Using a narrative form is common practice for federal agencies as well as private institutions for both grantmaking and contract solicitations. The narrative form should also include word- or page-limits, as proposals can be several hundred pages in length, particularly in light of the repetitive, sometimes contradictory, requirements.

9. Clearly incorporate proposal content into the final contract.

The design of the narrative form (described above) should also enable OCP and agencies to efficiently incorporate the winning bidder's proposal content into the final contract. Incorporating a bidder's winning approach into the contract will help ensure that the District receives the specific services and outcomes that led to the award. It will also provide visibility to the public of the expected services and provide grounds for penalties if the vendor fails to perform as promised in the proposal.

10. Require panel evaluations to conduct site visits and reference checks.

Mandating that all evaluation panels conduct site visits and reference checks will help prevent the selection of vendors who overstate their capacity to meet the District's needs. If a bidder has an active contract with a city agency, or had a contract with a city agency in the last five years, require evaluation panels to secure a reference check directly from that agency. This internal reference check will help panels identify issues specific to DC's needs and requirements while also fostering interagency relationships among food program staff.

11. Require on-site taste tests as part of evaluation.

Incorporating data from direct observation should be a required component of the evaluation process. Some agency staff have suggested that site visits and taste tests are a contrived and unrealistic representation of vendor performance and quality. However, there are creative approaches to authentically evaluate meal quality. For example, panels could require bidders to provide access to a short list of comparable client sites within 20 miles for on-site taste testing. To ensure an unbiased presentation, evaluators could specify a date range for their visit without providing exact times.

12. Require that evaluation panels have visibility into bidder price.

» New Authority Needed*

The OCP Procurement Procedures Manual only suggests that Contracting Officers share price proposals with the evaluation panel (From page 30, “*The contracting officer may share price proposals with the evaluation panel after the technical evaluation is complete.*”). Without visibility into bidder prices, panels only have a partial understanding of the context in which they are examining proposal quality and approach. Furthermore, restricting visibility to just one individual, the Contracting Officer, undermines the purpose of convening panel, as well as transparency, creating the conditions for single-handed award decisions. While it is likely still possible to maintain a two-step evaluation process (price blind followed by price revealed), it does not seem efficient or valuable to conduct evaluations in this way.

**OCP has authority to immediately implement this recommendation.*

13. Provide written explanation of non-award to each vendor.

Providing a written explanation for non-award decisions can improve the transparency and fairness of the procurement process. For smaller vendors, receiving feedback will provide clarity around the reasons for their non-selection and help inform improvements to their business or approach to future bids.

14. Include universal food vendor criteria, created and maintained by the Office of Food Policy.

Creating universal food vendor evaluation criteria will help ensure that selection panels proactively and uniformly assess proposals for their ability to deliver on all relevant deliverables, including achievement of District-wide goals and other values-based criteria. The Office of Food Policy, with its expertise in both the regional food landscape and the District’s food-related goals, is best positioned to develop and maintain these standardized evaluation criteria. More detail provided in the section “Leverage expertise of Office of Food Policy.”

15. Require OCP to provide justification in the event of ad-hoc decisions.

Because OCP has outsized, and, frequently, unilateral control of the solicitation process, the agency should be required to provide written justification to their agency counterparts when they make discretionary decisions. Both OCP and agencies should retain documentation of decisions, as this will enhance transparency and collaboration while also creating an archive of decisions for future reference. These decisions should be filed in a central repository, such as the Transparency Intranet proposed below.

16. Assign one agency with responsibility for legal review from solicitation to contract execution.

Inconsistencies in incorporating legal requirements into RFPs and contracts lead to delays and inefficiencies. Centralizing legal review with a dedicated attorney from either OCP or the Office of the Attorney General for each procurement is one solution. This would assign clear responsibility for legal completeness to one agency and help reduce delays by eliminating redundancy caused by having multiple reviewers throughout the procurement lifecycle (Note that this applies to the entire contracting process, from solicitation to contract award.) Finally, the selected agency should invest in developing specific food procurement and values-based procurement expertise.

Clarify food procurement legal ambiguities

There are several specific food procurement issues that warrant further legal analysis to ensure compliance, fairness, and effectiveness in achieving values-based procurement goals. These legal questions often stem from the interplay of federal regulations, District laws, and internal policies that require careful legal analysis to clarify allowable practices and identify potential solutions. The District should seek legal expertise on the following issues:

Performance-Based Payments and Federal Compliance. As described in greater detail below, performance-based contracts are a tool for incentivizing vendors to meet or exceed quality standards and achieve desired outcomes beyond basic service delivery. However, it remains unclear whether current federal regulations governing the Child Nutrition Programs (CNP) allow for incentive-based payments or the separation of meal costs from other services within a contract. Some questions for further investigation include: What is the permissible scope of "performance" that can be incentivized under federal guidelines? Does it extend beyond compliance with minimum requirements like meal patterns to encompass factors like meal quality, local sourcing, or community engagement? Are cost-reimbursement contracts allowable for food service management contracts? Can the District structure contracts to separately price meal costs

from other services, like community engagement or nutrition education, to enhance transparency and accountability for each component?

Interpretation of "Same Rate of Reimbursement" Requirement. Federal regulations require that school authorities (SFAs) assign the same rate of reimbursement for all lunches served across their network. However, whether this applies to the price that the SFA pays the vendor (i/e DCPS paid to Aramark) or only to the reimbursement rate the SFA receives from the state agency (i/e OSSE pays to DCPS or OSSE pays to Mundo Verde Public Charter School) requires clarification. As mentioned above, some of DCPS' food service management vendors charge varying prices at different schools; whether this is allowable remains unclear. Questions include: Does the "same rate of reimbursement" requirement dictate the price SFAs pay to vendors, or does it solely pertain to the reimbursement rate SFAs receive from OSSE?

If price blind evaluations are allowable. Federal regulations mandate that price must be the primary evaluation factor (40-50% of the evaluation score) for procurements utilizing CNP funding. The District's practice of excluding price from the panel evaluation may violate these federal requirements. Regardless of the federal requirement, the price blind approach makes it challenging to comprehensively assess the value of proposals. Without knowing the cost, it becomes difficult to determine whether a proposal offering certain features or services is truly advantageous for the District.

Combining local and federal dollars. Overall, the applicability of specific federal regulations is further complicated by the District's significant contribution of local dollars (known as "special cash assistance") into the calculation of reimbursement rates and their applicability to both DCPS and charter schools. How do local dollars (special cash assistance) impact the determination of reimbursement rates and the application of the "same rate" requirement? Are charter schools entitled to the same level of local funding for school meals as DCPS, and how does this relate to the "same rate" provision? What is the impact of the 2024 geographic preference expansion on CBE set-asides for contracts that use CNP funds?

By clarifying legal ambiguities and exploring innovative solutions within the bounds of existing regulations, the District can create a more robust and transparent system that supports its values-based procurement goals.

Promote Opportunities for Local and Regional Food Businesses in District Procurement.

Although the District pays premium prices for its food programs and services, rarely do these contracting opportunities create opportunity for local and regional food businesses. The subsequent recommendations will help enable local and regional food businesses to participate in District food procurement opportunities.

Clarification or Guidance

17. Clarify how the CBE set-aside policy applies to contracts using federal funds.

OCP and DSLBD have inconsistently interpreted the legal requirement for CBE subcontracting when contracts use federal funds. A definitive clarification would help accelerate the solicitation startup process. To ensure consistent decision-making, this type of determination should be documented and archived in a way that is accessible to OCP, DSLBD, and the procuring agency, such as a Transparency Portal Intranet.

18. Allow agency personnel to appeal directly to DSLBD for CBE waivers.

OCP's Contracting Officers vary widely in their management of the CBE waiver process; some tightly control the process while others delegate it fully to agency personnel. Ensuring clear and consistent practices, as well as a transparent and accessible archive of previous waiver decisions, will expedite solicitation development and reduce errors and amendments to active solicitations.

Process Change

19. Require OCP, DSLBD, procuring agency, and Office of Food Policy to engage in pre-solicitation planning.

OCP and the procuring agency, together with DSLBD, should meet with the Office of Food Policy at the onset of the solicitation process in order to develop a shared understanding of the food vendor landscape and its suitability to fulfill the procurement need. This would also create an opportunity to prioritize the values-based

spending goals for the specific procurement and set benchmarks for how the contract will contribute to the achievement of District-wide goals.

20. Allow bidders to opt for post-award CBE subcontracting and procurement plan.

» New Authority Needed

Moving to a post-award subcontracting and procurement plan would allow awarded vendors more time to strategically co-develop a values-based expenditure plan in partnership with DSLBD, OCP, the procuring agency, and the Office of Food Policy. Whereas the current process requires bidders to submit proposals complete with CBE subcontracting plans, post-award planning would allow city officials to take a more active role in both aligning procurement with District-wide goals and cultivating CBEs and regional food businesses that are prepared to supply a central food processing facility.

New Initiatives to Promote Opportunities for Local and Regional Food Businesses

Create CBE variances for food contracts.

» New Authority Needed

The CBE set-aside does not currently drive DC dollars to local food businesses or regional food producers. The District should create specific CBE waiver variances for food contracts to make the program more responsive to agency needs, advance food-related impact goals, and foster a regional food business environment that is prepared to work with and support a central food processing facility.

The recommendations below would drive funds to local farms and food businesses and enable regional procurement goals like those already incentivized across nearly all food contracts. They would also help fortify the District's surrounding food supply chain stakeholders (producers, processors, aggregators, and distributors), promoting regional food resilience.

21. Variance 1: Substitute qualified purchases for subcontracting.

Because the food industry landscape in DC is particularly limited, the District should create a CBE variance for food service management contracts that permits the prime vendor to fulfill the CBE requirement through purchases of

food products that meet values-based criteria. This would be a direct application of values-based procurement, directing dollars committed in contracts to businesses that advance food system goals. Vendors who choose to exercise this option would be required to spend 35%, or another predetermined value of the contract, on qualifying food products; guidance on qualifying foods would need to be established by the Office of Food Policy, customized for each procurement, and approved by the agency and Office of Food Policy in advance of vendor implementation.

22. Variance 2: Substitute qualified regional businesses for CBEs.

The Mid-Atlantic is home to several mission-driven companies that are dedicated to values-based procurement, exclusively sourcing and selling foods that promote food system resilience and sustainability. While these businesses may not be incorporated in the District, their missions align directly with the city's commitments, and subcontracting with them would help the District progress toward its goals. To implement this recommendation, the Office of Food Policy could create and maintain a list of approved businesses incorporated outside of the District that would qualify for the waiver variance. The Office of Food Policy should review and approve of any variance subcontract partnerships before they are finalized.

23. Create a nonprofit pathway for CBE certification.

Most of the key food system actors that are both incorporated in the District and positioned to subcontract with prime vendors are nonprofit organizations that do not currently qualify as CBEs. Creating a pathway for nonprofit CBE certification would help achieve local expenditure targets and promote the same regional food resilience goals outlined above. In fact, some nonprofit organizations are considering or are in the process of creating CBEs to be able to secure subcontract agreements, as the law allows nonprofit organizations to hold ownership of CBEs.

24. Update evaluation rubrics so that more points are awarded for local procurement of food vs secondary services.

In order to integrate values-based procurement goals into the selection process, agencies should update their food procurement evaluation rubrics to award more points for local procurement of foods, as opposed to secondary services like custodial services. This would incentivize vendors to prioritize local food sourcing by codifying this preference into the selection process.

25. Use Nourish DC to build capacity for local food businesses to participate in procurement opportunities.

[Nourish DC](#) is a funding collaborative that helps build capacity for DC-based food businesses by providing loans, grants, and technical assistance. Seeded with nearly \$1M in grant capital from the city, Nourish DC has been focused on supporting retail and restaurant businesses across the city, with a specific focus on businesses located east of the Anacostia River.

The District should expand Nourish DC's objectives and funding to include incubation for and development of local food businesses that could supply products to serve the city's food programs, either directly or via prime vendors. Growing the number and capacity of the District's food businesses would both help satisfy its values-based procurement goals, and also ready the vendor ecosystem for a central food processing facility. Other jurisdictions have successfully launched similar initiatives. For example, the [Metro Chicago Good Food Purchasing Initiative \(GFPI\) Community Fund](#) provides both financial & technical support to increase access to Good Food Purchasing Program (GFPP)-aligned produce and food products in the region.

Nourish DC could provide financial and technical support to CBEs or other District food businesses to enhance their capacity to create products suitable for DC food service contracts. These services would help address the myriad upstart costs of preparing to sell to the District directly or through prime vendors. Some examples could include:

- » Technical assistance for developing nutrition labels for Child Nutrition Program compliant products;
- » Technical assistance for becoming a CBE and joining the DC Supply Schedule;
- » Grants to fund product research, development, and testing for a specific target audience (such as elderly adults, students, or jail residents);
- » Bridge loans to address long payment cycles that are typical of government procurement.

Engage in New Contracting and Incentive Models.

The District's procurement shortcomings undermine its ability to do fundamental procurement best-practices, let alone achieve values-based procurement. The subsequent recommendations explore new methods of contracting to both improve outcomes and save money, including forward contracting, participation in group purchasing organizations, and performance-based contracts.

Clarification or Guidance

26. Clarify allowable activities and process for price negotiations.

OCP should clarify if, when, and how agencies are able to negotiate with bidders. The OCP Procurement Procedures Manual has a notable gap in explanation of and instructions for engaging bidders in price negotiations. OCP should publish a specific, step-by-step process and adjoining set of expectations for both agency staff and bidders. Equipped with a negotiations playbook outlining instructions and potential scenarios, agency staff and leaders may be more inclined to engage in negotiations that lead to enhanced efficiency. This will be particularly powerful if applied in combination with a performance-based contracts framework, described as one of the New Initiatives below.

Process Change

27. Enforce the District's [Quick Payment Provisions](#).

Food businesses are very low margin and cash intensive businesses, therefore long payment terms or aging invoices are a significant liability for any company or nonprofit organization. The lack of strict enforcement of this law stands to jeopardize the stability of CBE or values-based food businesses that the District is paying a premium to support. Enforcement of the Quick Payment Provision would be a low cost and effective mechanism to support small and locally owned businesses and nonprofit organizations.

New Initiatives for Improved Contracting and Payment Models

28. Engage in forward contracting with local producers.

The current procurement system often pushes agencies, vendors, and suppliers into a reactive position, as it dedicates little time to collaborative planning and delegates all producer/supplier relationships to the contracted vendor. When an agency food program does attempt to source locally grown food, they often complain that producers often do not have sufficient supply or capacity to fulfill their needs in full.

Forward contracts involve establishing agreements with producers in advance to purchase specific products at a predetermined price for a set period of time. If employed by the District, this would allow agencies to secure their supply of specific goods, for example, sweet potatoes or carrots, while providing producers with a guaranteed market.

Forward contracts would enhance predictability for both vendors and farmers, enabling agencies easier menu planning and operations, knowing they have a secure source of ingredients. Furthermore, locking in prices ahead of time can help agencies mitigate the risks of price fluctuations. For producers, having guaranteed income allows them to better manage their cash flow and make investments. Broadly, forward contracts can help mitigate a situation where local producers are left scrambling to sell their products, while agencies struggle to find sufficient volume for their program needs, especially for local and values-based foods.

While agencies that rely on third-party vended meal services will likely face steep barriers to incorporating forward contracting into their agreements with vendors, the Self-Operated programs, including DCPS, DYRS, and DBH, could work closely with their vendors to incrementally incorporate forwarded contracted items into their menus and agreements. Developing staff knowledge to execute forward contracting will be an investment in the future capacity of the CFP.

Explore collaborative purchasing and GPO models for Self-Op and future CFP.

Group Purchasing Organizations, or GPOs, are national corporations that leverage the collective buying power of their numerous members, such as restaurants, hospitals, hotels, etc., to negotiate lower prices from suppliers. With aggregated, high volume demand, they are able to secure better agreements via direct contracting with producers and manufacturers. They then establish relationships with regional distributors to manage fulfillment to their members.

29. Conduct further research on direct buying and GPO models.

As the District is already a high volume buyer on its own, understanding the benefits and developing the skill to buy direct is worthwhile capacity building, particularly in anticipation of a CFP. The District should undertake comprehensive research to fully understand the range of GPO models, best practices, and potential challenges that it should consider for a partial or fully self-operated meal program environment. This could involve consulting with other jurisdictions that utilize GPOs for food procurement, interviewing GPO representatives, and analyzing existing GPO contracts.

30. Extend the benefits of HPS membership to all self-operated meal programs.

DCPS's self-operated meal program pilot is a member of a nonprofit GPO called HPS. However, it does not appear that the District's other self-operated meal programs (DYRS and DBH) have access to the HPS catalog of services, missing an opportunity for savings. The District should understand whether all agencies are included in the current HPS agreement, and if not, explore how to extend its benefits to DYRS and DBH.

31. Launch a collaborative purchasing pilot.

As mentioned above, direct contracting could make it easier for District agencies to connect with suppliers who align with their goals, such as local farms, minority-owned businesses, or those offering sustainably produced foods. A collaborative purchasing pilot that would include DCPS, DYRS, and DBH as the three self-operated agencies could both deliver immediate cost savings and help build a foundation for group purchasing.

32. Use OCP's storage facilities to build knowledge and experience of direct food procurement.

A collaborative purchasing pilot could make use of OCP's vacant warehouses, which were acquired during the Covid-19 pandemic to store emergency supplies. These warehouses can serve as a "soft landing" to receive high volume orders that are immediately repacked and redistributed to DCPS, DYRS, and DBH facilities. While these warehouses do not currently have refrigeration, it may be a worthwhile investment, both for food storage purposes and for use in future emergencies, as many vaccines and medications need cold storage. The District should engage a consultant with deep expertise in facilities management to provide operations support to procurement staff for this direct purchase pilot.

33. Adopt performance-based contracts with tiered profit incentives.

A performance-based contract offers a framework for agencies to advance and reward values-based procurement, as well as contract- and vendor-specific outcomes, without indiscriminately driving up costs. The defining feature of a performance-based contract is linking payment to results, thus requiring clear and specific objectives with quantifiable performance targets. Performance-based contracts also describe monitoring practices and require a high degree of collaboration between the contracting agency and the vendor. One interviewee who had been employed with a prominent food service management company for over 20 years claimed that performance-based contracts "keep everyone honest and invested in the partnership." Payment structures for performance-based contracts typically include a base fee plus incentives, a significant portion of which should be tied to achieving targets. Instead of paying vendors on a fixed unit-price per meal and relying on penalties for noncompliance, agencies would have to align their payment schedules with performance evaluation periods and outcomes, which they could manage in-house or contract to a third-party vendor. The latter may be more efficient, as administering simple performance incentives, like Local5, has proven to be a significant administrative burden for OSSE, the responsible agency.

Exploring the benefits of incentives vs. penalties.

The current contract management system presents a challenge for agency staff. They are tasked with building strong working relationships with vendors while also enforcing contract requirements and applying financial penalties when necessary. This dynamic is particularly delicate with managed food services, such as those in DCPS and DOC. Agency staff may avoid issuing penalties for fear of the potential damage to the partnership; in practice, this means that the District will pay for subpar or partially-delivered services. This hesitation is especially pronounced when enforcing contract provisions is not directly tied to meal delivery, such as those related to values-based procurement. Even when contracts explicitly include these services, the lack of clear penalties for non-compliance or performance tracking mechanisms makes it difficult to hold vendors accountable.

This challenge is further compounded by the common practice of unitized pricing, described above, which bundles the cost of multiple services into a single price. This obscures the value and cost of individual services, making it difficult to determine if vendors are fulfilling their commitments and hindering agency ability to withhold payments for inadequate service delivery. To address this issue, the District could benefit from breaking out services and pricing them separately. This would provide greater transparency, allowing the District to readily assess whether vendors are delivering value for money and enabling them to withhold payments or apply penalties for specific underperforming services. While this might lead to higher overall contract costs, it could also result in more comprehensive service delivery as outlined in the contract requirements.

Beyond unbundled pricing, a shift from a penalty-focused system to an incentive-based system could significantly improve the District's relationships with its vendors. The current system, which relies on agency enforcement and penalizing vendors for failing to meet minimum requirements, can create an adversarial environment where vendors feel unfairly penalized, especially when facing external challenges. This can lead to tension and discourage vendors from exceeding basic contract requirements.

In contrast, an incentive-based system rewards vendors for exceeding expectations. By rewarding high performance, the District can motivate vendors to strive for excellence, proactively address challenges, and engage with the District as a supportive partner. This is particularly relevant in the context of values-based procurement, where incorporating incentives alongside clear expectations and accountability standards can be a powerful strategy for achieving the District's goals. This approach could foster a more collaborative and productive relationship with vendors, ultimately leading to better service delivery and outcomes for the District.

Foster Interagency Collaboration.

The District's procurement processes do not make strong use of agencies' unique expertise and capacity, missing opportunities for more effective evaluation, collaboration, and transparency. The subsequent recommendations identify opportunities for agencies to work together to improve procurement outcomes.

New Initiatives to Foster Interagency Collaboration

34. Build an intranet as part of the Transparency Portal to enable interagency information sharing.

Creating a login-only access (intranet) portion to the Transparency Portal would provide a centralized location where agencies can file and access vendor performance data, including annual reviews and cure notices, as well as a list of terminated vendors with the cause and detail. This information would enable efficient reference checks during the evaluation process, help panels make more informed selections, and avoid repeat awards to underperforming vendors.

35. Create a community of practice of agency-based contract managers overseeing food procurements, convened and facilitated by the Office of Food Policy.

By fostering information sharing and accountability, a community of practice can increase understanding of and adherence to contracting requirements, leading to more consistent food procurement practices across agencies. It would enable agency program staff to informally benchmark vendor performance and align on best practices for addressing underperformance. If convened and facilitated by the Office of Food Policy, a community of practice could also build specialized knowledge of the food industry among agency staff, leading to more informed decision-making and nuanced contract management.

Create solutions for removing underperforming vendors.

A recurring theme across all food contracts is the lack of confidence and authority for enforcing performance standards. This leads to ongoing issues

with basic contract provisions, such as food quality and delivery timeliness, let alone for values-based procurement goals. Agency staff frequently find themselves tolerating subpar performance throughout the contract term. This stems from the daunting prospect of navigating the solicitation process and the critical need to avoid service disruptions.

Establishing IDIQ contracts and Piggyback clauses are two solutions that could allow agencies to more immediately address poor performance. Both solutions also offer the added benefit of discouraging the current practice of requesting free meals from non-contracted vendors or nonprofits when agencies encounter challenges with their existing vendors. It is important to emphasize that both of these tools are emergency measures and are not long term contracting solutions.

36. Add vended meals IDIQ to the DC Supply Schedule.

Creating an Indefinite Delivery, Indefinite Quantity contract for vended meals on the DC Supply Schedule offers a valuable solution when agencies encounter significantly underperforming vendors. Because contracted services on the DC Supply Schedule are immediately available to any agency, a vended meal IDIQ would offer an “escape hatch” for agencies to terminate a vendor without causing interruption in meal service. By creating the structure for agencies to order meals on an as-needed basis, this approach would not only provide an immediate solution during a crisis but could also strengthen vendor accountability. A ready alternative, an IDIQ contract would reduce agency pressure to tolerate subpar performance and alleviate the challenges of terminating a contract.

37. Incorporate piggyback clauses into food contracts.

Piggyback clauses would allow one agency to buy from a vendor using an existing contract established by a sister agency, leveraging the terms and conditions already negotiated. This could provide an immediate food service solution for the “piggybacking” agency in times of emergency, such as vendor termination.

This type of collaboration is best suited when a) agencies have a similar scope of services, or b) smaller agencies piggyback off of larger contracts. For example, DCPS, as the largest and most specific food services in the city, would not be able to piggyback off of any other agency, but it could

allow for smaller agency piggybacks for short-term relief service. In order to activate piggybacking as a solution, the original contract must explicitly include a piggyback clause. Vendors might be hesitant to accommodate piggybacking, especially if it significantly increases their workload or if the potential piggyback services have vastly different requirements. Though piggybacking may allow agencies to terminate bad vendors, leading to immediate improvements in food quality and service, it could also result in an increase in prices for the original contract, negating potential savings for the District overall.

38. Create and deliver training on addressing vendor performance.

Ensuring that agency staff have thorough understanding of vendors' contractual obligations and their enforcement tools is essential for creating a high performance contractual relationship. Using the Community of Practice described above, the District could create and deliver vendor accountability training that would provide agency staff a comprehensive overview of contract terms, highlight key provisions related to performance standards and remedies for non-compliance, and clarify the agency's legal rights and options when dealing with subpar vendors. Developing the training curriculum should involve collaboration with procurement experts, legal counsel, and individuals with firsthand experience in managing food service vendors. This effort would also serve to foster a culture of accountability, as it would create an occasion for staff to elevate shared opportunities for monitoring contracts, and potentially lead to new methods or contract provisions in the future.

Leverage Expertise at the Office of Food Policy.

In 2014, the D.C. Council created an Office of Food Policy (OFP), led by a Food Policy Director, in the Office of Planning. OFP advises on food policy matters across the District, with a specific focus on promoting equitable and sustainable food policies that increase food access and build a local food economy, as well as devising strategies for the District to meet the food goals identified in the Sustainable DC Plan. Currently, the Office is led by a Food Policy Director with an additional 2 FTEs. Given their food system expertise, this report finds that the OFP should be integrated into the District's food procurement process. To fulfill all of the recommendations listed here, the Office would need additional resources.

Process Change

39. Partner with the Office of Food Policy throughout the procurement lifecycle on all food contracts.

Jurisdictions that have had the most success in implementing values-based procurement engage subject matter experts to develop contract language and support proposal evaluation. Collaborating with the Office of Food Policy will enhance food sector subject matter expertise throughout the procurement lifecycle.

Solicitations. Incorporating the Office of Food Policy into the process of developing solicitations will ensure that procurements set an achievable scope of services, offer accessible opportunities for both CBEs and regional food businesses, and incorporate the District's food-related goals across all procurements. At minimum, the Office of Food Policy should review food service solicitations for these features before they are released.

Promotion. The Office of Food Policy should be tasked with maintaining a list of relevant and industry publications where public notice of food solicitations will be distributed. They could also maintain a list of high quality prospective vendors to which to send direct notice of solicitations.

Evaluation. All food service evaluations should include one staff person from the Office of Food Policy to ensure the panel has sufficient industry knowledge to discern the overall achievability as well as capacity to deliver promised impact outcomes against the proposed price. Staff from the Office of Food Policy are familiar with most if not all of the food service management providers located

in the District and can bring that industry insight to the evaluation panel. In combination with the oversight responsibilities described in the following recommendation, their participation will also lend insight into bidders' history of performance with the District.

Monitoring. Vendors have complained that agency efforts to survey user satisfaction have been ineffective. The Office of Food Policy could support all agencies with developing stronger tools to monitor satisfaction that draw upon best practices in the food industry (for example, plate waste studies can enhance evaluations of satisfaction compared to self-reporting alone).

40. Centralize tracking and oversight of food contract performance and outcomes at the Office of Food Policy.

» New Authority Needed

The Office of Food Policy should be assigned the responsibility of tracking food contract performance and city-wide achievement of food procurement goals. This would include requesting, collecting, and reporting on food procurement data—such as vendor performance, resident satisfaction, and meal prices—and collaborating with sister agencies (DSLBD, DOEE, DC Health) to compile food-related impact metrics, such as number of local businesses supported and reductions in food-related greenhouse gas emissions. This information should be published on a public dashboard; one example to look to would be [New York City's good food purchasing dashboard](#). This would provide a clear line of sight into the District's collective successes, while also streamlining Council oversight and food service improvement efforts across all seven food procuring agencies.

41. Incorporate the Office of Food Policy into CBE / regional food business subcontracting and procurement planning.

As described above, the Office of Food Policy should play a key role in CBE/regional food business subcontracting and procurement planning with DSLBD, OCP, the procuring agency, and the awarded vendor. By shifting to a post-award planning approach as described above, vendors and agencies can collaborate to develop an informed and coherent local spending strategy that leverages both the Office of Food Policy's food ecosystem knowledge and the District's purchasing power to help cultivate a regional food business landscape that aligns with the city's commitments and promotes resilience. Furthermore, the Office of Food Policy's involvement will help inform relevant adaptations to programs like CBE and Nourish DC. Developing a rich understanding of the current state of the regional food business landscape is particularly important with respect to the capacity building requirements for supplying and supporting a future central food processing facility.

New Initiatives to Leverage Expertise at the Office of Food Policy

42. Develop and maintain food procurement standards and practices.

» **New Authority Needed**

The Office of Food Policy is best positioned to develop food contract standards that are optimized for implementation by food service directors to and monitoring by agency program staff.

Special consideration should be dedicated to bringing transparency to industry practices that slow down implementation of values-based procurement practices, such as:

- » **Data sharing, particularly when product pricing is required or can be extrapolated using other metrics**
- » **Vendor or supplier onboarding, as many food service management companies create artificially high barriers that prevent local suppliers from supplying their contracts**

The Office of Food Policy can collaborate with other agencies to develop these standards, namely DC Health (nutrition) and DOEE (sustainability), then translate those targets into food service equivalents, creating several options for how to approach the same result. For example, a goal to lower greenhouse gas emissions could be expressed as “reduce red meat purchases 20% by volume” or “integrate five fully plant-based meals per week.”

Furthermore, OCP, the procuring agency, and the Office of Food Policy could assign the method best aligned with the scope and budget of that particular procurement in advance of the solicitation release. Finally, the Office of Food Policy can create corresponding food vendor reporting requirements and templates that agencies can use to track vendor achievement of the standards. These reports should prioritize data standardization and interoperability, in order to improve efforts to collect and report on food contract results from across agencies.

Prioritize Transparency and Accountability.

The procurement process lacks the transparency, feedback loops, ownership, and centralization that would expose challenges and empower District leaders to take action. The subsequent recommendations ensure progress on food procurement goals is effectively monitored.

Clarification or Guidance

43. Make clear that current and past contracts are public access.

All District personnel should have a clear understanding that contracts between the District and vendors are legally required to be available to the public, inclusive of pricing data. When there is reluctance to share documents with the public without a FOIA request, there should be a simple reporting protocol and tool available to the public. This is particularly important in light of the incompleteness of the OCP Transparency Portal.

Process Change

44. Modernize, Monitor, and Maintain the Transparency Portal.

The Transparency Portal needs to be modernized, monitored, and maintained for completeness and accountability. In addition to ensuring that all contract documents are properly referenced and linked to each other (i/e, solicitation, amendments, contracts, modifications, renewals, etc.), the Portal should also house several other documents in order to advance transparency. They include:

- » Subcontract awards, which will allow the public to have full visibility into contract prices and details;
- » Contract templates, which will allow vendors or any member of the public to verify that OCP and agencies are issuing accurate and uniform contracts;
- » The Procurement Procedures Manual, which will allow agencies and vendors to have a clearer expectations for the procurement process;
- » Discretionary decisions or deviations from standard practice, so that both vendors and agencies have an archive of the circumstances under which OCP has previously made ad-hoc deviations from process.

Considerations for fostering accountability at OCP

Updated guidance on OCP x Agency collaboration.

The current “collaborative” model, where OCP manages procurements alongside agencies, creates unnecessary complexity and hinders effective decision-making. True collaboration between OCP and sister agencies is lacking. Instead of working as partners, the relationship is characterized by asymmetry of information and authority which leads to restricted agency autonomy. Agencies often react to OCP's directives rather than proactively engaging in collaborative planning and problem-solving. To better manage procurements, agencies need an updated determination on when OCP has final decisionmaking authority. This will ensure efficiency, accountability, and collaboration throughout the process.

Connect Procurement to Mission.

Provide training and education for OCP staff that builds understanding for and emphasizes the importance of District-wide goals that are achieved through procurement. It may not be clear to OCP officials how procurement stands to advance the District's climate mitigation, resilience, and equity commitments.

Create Performance Metrics and Tracking Protocols for the Procurement Process Itself.

Establish performance metrics that are tracked and reported for oversight by the procuring agencies. These would include data points related to timeliness, amendments, and other quantitative measures.

Enhance Feedback Mechanism by Rehousing the Ombudsman.

Remove competing interests for the Ombudsman by rehousing the position in the Office of the City Administrator or another agency. The Ombudsman should be impartial to receiving complaints and concerns regarding OCP's services, and therefore cannot be an OCP employee. This feedback should be systematically collected, analyzed, and used to inform improvements and address recurring issues.

Increase Transparency to Foster Accountability.

Ensure both members of the public and agency personnel have access to up-to-date procurement documents (Procurement Procedures Manual, solicitation and contract templates, evaluation criteria) so that they are able to easily react when standards are not followed.

Capacity Building and Training Resources.

Invest in training and resources to enhance OCP staff's expertise and knowledge of procurement regulations, best practices, and industry standards. This could include specialized training on values-based procurement.

Create OCP Affinity Subgroupings.

Promote collaboration and communication within OCP by establishing affinity groups that cut across clusters and promote exchange of information across similar contracts.

Consequences for Non-Compliance.

Establish clear consequences for OCP's non-compliance with regulations, policies, or performance standards. This could include corrective action plans, process improvements, or other measures to address deficiencies and ensure accountability.

While some agency staff have expressed concern that OCP does not have sufficient staff capacity to efficiently execute its responsibilities, the report recommends reserving additional resources for OCP until stronger accountability measures are in place to ensure that resources are implemented as intended.

For example, OCP has had funding since FY 2022 to dedicate staff resources to the EPPS and GFPA programs, but these positions have never been filled.

Conclusion.

The District of Columbia is a global leader in its commitments to building a more just and sustainable food system. However, this research has revealed that the District's ability to realize its food system goals is impeded by profound shortcomings with its procurement system.

This report presents a roadmap for change: its recommendations will allow the District to move beyond aspirational goals and unlock the potential of values-based procurement to achieve meaningful impact. The proposed procurement reforms will advance operational efficiency while also fostering a food system that nourishes residents, strengthens the local economy, and mitigates the impact of climate change—bringing the District closer to its bold vision for the food future.

Endnotes

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- 7 USDA, Economic Research Service using data from U.S. Department of Commerce, Bureau of Economic Analysis, Value Added by Industry, March 28, 2024 release.
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- 9 There are several thoroughly researched resources that explain the specific benefits of values-based procurement and help guide their implementation. For example, Procuring Food Justice, a 2023 report that uniquely incorporated testimony and lived experience of supply chain workers, recommends best practices for a range of stakeholders to “clean up the procurement supply chain.” Similarly, the [GFPP Standards 3.0](#) provides a robust set of certifications and labels that can be used by buyers to guide purchasing as well as organizational leaders to evaluate their efforts toward procurement reform. This report does not replicate or summarize that information.
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