



# ARMY FOOD SERVICE CONTRACTING



- Dining Facility Operations
- Subsistence Prime Vendor

## Challenges & Solutions

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# FOOD SERVICE CONTRACTING



## CHALLENGES

- PROCUREMENT INTEGRITY
- CONTRACT ADMINISTRATION
- USE OF SPV STANDARD  
OPERATING PROCEDURES



FOOD SERVICE  
CONTRACTING  
PROCUREMENT INTEGRITY  
Non-Starter

*"I KNEW WHAT I WAS DOING WAS  
WRONG,  
BUT I DIDN'T THINK IT WAS  
ILLEGAL".*



# FOOD SERVICE CONTRACTING



## PROCUREMENT INTEGRITY CHALLENGE

- Conflicts of Interest = Any action or inaction of a person which is incompatible with the official duties of that person.



# FOOD SERVICE CONTRACTING PROCUREMENT INTEGRITY Solution



- KNOW and FOLLOW THE RULES:
- GIFTS (No Touch = No Worry)
- CONFLICTS OF INTEREST Lead to Fraud, abuse and prosecution
- GRATUITIES CLAUSE IN ALL CONTRACTS.



# FOOD SERVICE CONTRACTING



## CONTRACT ADMINISTRATION Challenges

- Contract cooks in Military operated facilities
- Improper Direction Of Contractor
- Ineffective Performance Eval.
- Ineffective Documentation



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## Solution

### COR/PAE MUST BE ABLE TO:

- Accurately Define Requirements
- Effectively Adm. Contr. at COR/PAE Levels
- Accurately Evaluate Performance
- Adequately Document Performance
- **RECOMMEND** Remedies for Unsat. Service



# FOOD SERVICE CONTRACTING



## Challenges: Causative Factors

- Insufficient training / Inexperience
- Lack of Contracting and Food Service Technical Knowledge
- Inadequate Planning / Poorly Written Requirements Documents
- No Team Approach
- Lack of Communication
- Failure to follow established guidelines



# FOOD SERVICE CONTRACTING Solutions



**ACES - TRAIN PERSONNEL**

**ACES - ASSIST**

Develop food service contracts PWS.

**ACES - IMPROVE**

- Requirements and Standards
- Performance Assessment Plans

**INSTALLATION PERSONNEL FOLLOW**

- Established Contract PROTOTYPES
- Standard Operating Procedures



# FOOD SERVICE CONTRACTING



## Solution: ACES Training

- Training provided in the USAQMC&S WOBC, WOAC and FSM Courses.
- CONUS and OCONUS MTTs
- FYs 05/06 ACES provided training to 810 Students (16 Classes in FY 06)
- FY 07 - ACES has provided training to Approx: 300 Students (12 Classes)



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance

### ACES

- Continues to revise all training materials and contract prototypes.
- Newly developed prototype guidance for contracted cook support in military operated facilities (C.5.4)
- Continued promulgation of Standard Operating Procedures



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance ACES

### New Sect. C.5.4 for DA Prototype

- Restriction on Personal Services
  - 1) **Service Contracts.** (FAR) 37.101 defines a service contract as one that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than furnish an end item of supply.



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance ACES

- (2) Personal Service Contracts. A contract that by its written terms or as administered causes the contracted personnel to appear to be government employees. Contracted personnel are subject to continuous supervision and control of a government officer or employee. (FAR 37.104)



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance ACES

- (3) Non-Personal Service Contracts.  
A contract under which contractor employees are not subject, either by the contract terms or by the manner of daily administration, to the supervision or control of government employees.  
(FAR 37.104)



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance

- Requiring activity responsible for a suitable performance work statement (PWS) indicating “what is to be done” and NOT “how to do it”.
- Separation of duties must include recognition of the requirement for military cooks to remain proficient in food preparation.



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance

- When tasks are properly constructed the contractor will not have to rely on government direction to perform.
- ***EACH INSTALLATION MUST CAREFULLY REVIEW ALL SERVICES LISTED IN THIS NEW SECTION. THE FUNCTIONS OF THE MILITARY AND CONTRACTOR PERSONNEL MUST BE STRICTLY DIVIDED.***



# FOOD SERVICE CONTRACTING



## Solution: Improve Guidance

- If contractor employees take their daily orders from government personnel an illegal personal services will be created.
- Military manager coordinates with contractor supervisor who directs contractor employees.



# FOOD SERVICE CONTRACTING



## Solution: Follow Guidelines

### INSTALLATIONS

- Use DA Prototypes to:
  - Develop Accurate Requirements
  - Develop & Implement Comprehensive Assessment Plans
  - Accurately Report Contractor Performance Levels
  - Develop Sound Recommendations Awards/Remedies



# FOOD SERVICE CONTRACTING



## Challenge: Improve SPV OPNS

- Expanding Catalogs
- Constant Turnover
- Insufficient Consumption
- AFMIS Master Item File not Updated
- AFMIS Recipe File not Updated



# FOOD SERVICE CONTRACTING



## Solution: ACES - SOPs to Assist

- Selection, Maintenance and Retention of Subsistence Items
- Food Product Demonstrations and Comparison Cuttings.
- SOP for Receiving Subsistence at Garrison Dining Facilities
- Vendor Visit Policy



# FOOD SERVICE CONTRACTING



## Solution: Follow Guidelines

### INSTALLATIONS

- Understand SPV Contract
- Utilize SPV Operating Procedures in AR and DA Pam 30-22
- Utilize SOPs to enhance operation reduce operational turmoil.



# FOOD SERVICE CONTRACTING



## Solution: Follow Guidelines

SOP for Selection, Maintenance and Retention of Subsistence Items

- Procedures for New Items

*"Why should we select one product over others"*

- Selection or Retention of Items

- Cost to Benefit Analysis



# FOOD SERVICE CONTRACTING



## SOP for Selection, Maintenance and Retention of Subsistence Items

- Visits of Vendors, Manufacturers or Brokers
- Evaluation, Selection of & Obligation to Consume Products (Cuttings, Demonstrations)
- File Maintenance Requirements



# FOOD SERVICE CONTRACTING ON THE HORIZON



Revision to DA Prototypes for:

- Food Service Contracts
- Performance Assessment Plans
- Revision to FSCM:
  - Student Study Guide
  - Student Work Book
- Update to SOP for:
  - Selection, Maintenance and Retention of Subsistence Items (Purchasing Guides)



# FOOD SERVICE CONTRACTING



## QUESTIONS?

### *POCs*

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# FOOD SERVICE CONTRACTING



## TAKE AWAY: INFO CD

- 07 Conf - 06 Conf - 05 Conf - 04 Conf (SPV) - 04 Conf (CONTR)
- SOPs: Code Date Policy – Food Audits - Purchasing Guides - Cuttings and Demonstrations – Receiving - Vendor Visit Policy - Request for off-site Support (FSCM Training) - Sample Request for FSCM Training.

• HAPPY TRAILS TO YOU AND

FAREWELL:

*R.A. HARSH*