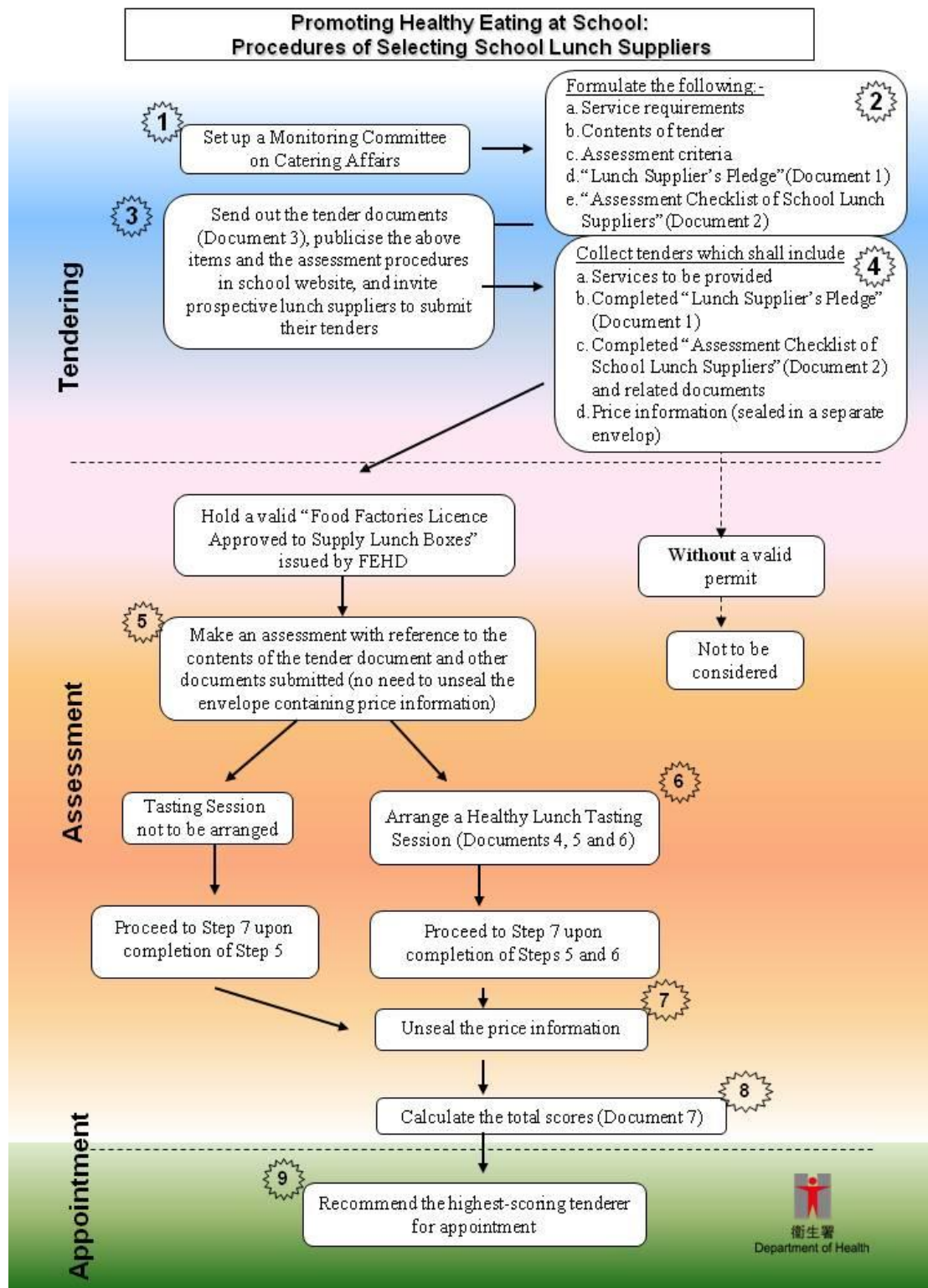


Chapter I: Procedures of Selecting School Lunch Suppliers

The Procedures, formulated by DH, EDB, EPD and other departments, are for reference and adoption by schools and parents in choosing lunch suppliers who are capable of providing delicious, healthy and eco-friendly meals in an open, fair and just manner.



Procedures of Selecting School Lunch Suppliers

Schools should adhere to EDB circulars regarding “Procurement Procedures in Aided Schools” (<http://applications.edb.gov.hk/circular/upload/EDBC/EDBC13004E.pdf>) and invite competitive tenders for the acquisition of ideal lunch provision service at reasonable price. As strongly advised by EDB, the “Monitoring Committee on Trading Operations” should be formed to monitor and steer various types of trading operations, including lunch supply. Schools can also establish their Monitoring Committees on Catering Affairs (MCCA) to deal with matters on lunch supplier selection.

Step 1: Setting up a Monitoring Committee on Catering Affairs

As for the membership composition of an MCCA, schools can refer to the recommended membership composition of the “Monitoring Committee(s) on Trading Operations” (MCTOs) in the “Guidelines on Conducting Trading Operations” issued by EDB. If schools authorise parent-teacher associations (PTAs) or school sponsoring bodies (SSBs) to handle the duties of selection of lunch suppliers, prior approval should be obtained from school management committees (SMCs) or incorporated management committees (IMCs), and such records should be properly documented. SMCs/IMCs have the obligation to ensure authorised PTAs or SSBs should comply with the principles and guidelines (especially those concerning tendering/quotation exercise and the use of profits/net income generated from trading operations) as set in EDB circular on “Trading Operations in Schools”.

In this connection, SMCs/IMCs should obtain relevant records from PTAs/SSBs for proper documentation purposes. If PTAs/SSBs wish to undertake trading operations in schools, they should be treated as one of the bidders and be subject to competitive bidding and the same selection procedures applicable to other bidders. Under such circumstances, the tendering process should be conducted directly by schools. If any school staff member or anyone in MCCA or his/her immediate family member or personal friend has financial or other interests with lunch suppliers, the staff/committee member concerned is required to declare his/her interests in full detail to the schools. Schools should also set out the mechanism of handling conflict of interests.

Schools shall observe the general principles on acceptance of advantages and donations set out in the prevailing EDB circular on “Acceptance of Advantages and Donations by Schools and their Staff”. SMCs/IMCs and school principals with delegated authority should formulate clear policies for schools on acceptance of advantages and donations, accountability systems and monitoring procedures in accordance with the contents and coverage of the Prevention of Bribery Ordinance (POBO). In exceptional circumstances where schools reckon that there are compelling reasons to accept such donations from suppliers/contractors, the acceptance should be fully justified, documented and approved by the SMC/IMC in advance. Schools shall also remind school staff members and MCCA members that they should avoid accepting entertainment provided by tenderers, suppliers or contractors or having frequent social/private dealings with them, so as not to give rise to perception of favouritism or conflict of interests.

Step 2: Formulation of Requirements by MCCA on Catering Affairs

MCCA has an important role in formulating the details in a tender document and the complete assessment procedures. As such, the committee members should make their decisions as soon as possible; they should also keep the minutes of meetings properly and have them open to the access of all students, teachers and parents. The committee members should refer to all guidelines as listed in Chapter III of this handbook and have the responsibility to check on revised versions from time to time. This section is a recommendation from DH on how to formulate the contents in a tender document and the assessment procedures; committee members may assess its applicability and make adjustments as appropriate according to the school context.

The following items must be completed by MCCA before a tendering exercise is launched:

a. Round up the following:

- i. service requirements (see item 2b);
- ii. documents to be submitted by tenderers (see item 2c);
- iii. decision on whether “healthy lunch tasting session (tasting session)” is needed, and have relevant arrangements and assessment criteria in place if so (see Step 6 in this chapter);
- iv. decision on whether site visits to the lunch suppliers’ plants is needed, and have related arrangements in place if so (see Step 6 in this chapter);
- v. assessment criteria

Assessment is divided into two parts: service and pricing. Service assessment comprises of scores from the “Assessment Checklist of School Lunch Supplier”, “Assessment Checklist of Healthy Lunch Tasting Session (tasting session)” (if applicable), and site visit to suppliers' plants (if applicable). Therefore, MCCA should formulate the following criteria of assessment:

- a uniform assessment criteria for each document of proof as listed in the “Assessment Checklist of School Lunch Supplier”(see 2d);
- the pass mark of service assessment; and
- the ratio between service assessment and pricing assessment, e.g.:
weighting of service assessment: 80
weighting of pricing assessment: 20
making up a total of 100.

b. Finalise the contents of the tender document by stipulating:

- i. that all meal choices must meet the nutritional requirements as listed in the “Nutritional Guidelines on Lunch for Students” (latest version) issued by DH;
- ii. service targets (in general, meals are provided to students, teachers and school staff on school days in school terms. If schools require the lunch suppliers to provide meals or other catering services on non-school days, the schools should specify the details in the “Service Requirements” section in the “Invitation for Submission of Tender” or arrange a separate tender so as to avoid any impact on the selection for lunch suppliers or any suspicion of solicitation of interest, donations, advantages or services);

- iii. mode of lunch delivery (lunch-box, on-site meal portioning, mixed mode or others);
- iv. number of meal choices to be provided each day;
- v. amount of meal sets to be delivered each day (listings of amounts for lower/upper primary and junior/senior secondary students are recommended);
- vi. quantity and frequency of fruit provided each week;
- vii. duration of service contract (two or three years), termination clauses and breach-of-contract clauses. It should be noted that EDB suggests that a new tender should be invited at least every three years (See no. 8 of FAQs of Chapter II in this handbook).

c. Stipulate the documents which tenderers have to submit:

- i. “Invitation for Submission of Tender” (listing each item of service in detail);
- ii. “Lunch Supplier’s Pledge” (Document 1);
- iii. “Assessment Checklist of School Lunch Supplier” (Document 2);
- iv. all documents of proof, which must include:
 - a meal list for one month’s school lunch;
 - the duplicate of a valid “Food Factory Licence Approved to Supply Lunch Boxes” issued by FEHD (applicable to sub-contractors, if any)*;
 - Copies of inspection records by Health Inspector of FEHD in the past 12 months (with copies of notices of exemption from inspection, if applicable); and
 - any other document(s) as specified by schools.
- v. pricing information
 - Unless tenderers submit a conditional quotation with an attachment of quotation of price variation clauses, future claims about price adjustments will not be considered.

***Note:**

Schools must ensure that tendering lunch suppliers hold a “Food Factory Licence Approved to Supply Lunch Boxes” (i.e. a food factory licence with endorsement/permission to supply lunch boxes) issued by FEHD. Unlicensed lunch suppliers should not be considered by schools. Schools should also confirm whether the licensed food factories have commissioned subcontractors to provide lunch boxes for them or whether the food in the lunch boxes contains a portion of ready-to-eat food made by subcontractors. If so, the schools should also require that such subcontractors should provide, at tender submission, (proof of) a valid “Food Factory Licence Approved to Supply Lunch Boxes” or a valid food factory licence for which they are permitted/approved to produce such food. If the lunch supplier intends to change the subcontractor(s) after the appointment, the lunch supplier must ensure that the subcontractor(s) in question is/are holder(s) of the valid relevant licences, and that copies of the latter’s licences will be submitted to the school for record purposes.

d. Assessment criteria:

- i. For tenders that fulfil requirements as listed in Steps 2b and 2c above, MCCA may perform uniform assessment of each of the documents of proof with the use of “Assessment Checklist of School Lunch Supplier”

(Document 2) (please refer to no.3 of FAQs of Chapter II in this handbook for details);

- ii. As for assessing suppliers' pledge about the nutritional requirements for school lunch, MCCA can do so with reference to the meal list for one month's school lunch submitted by the tenderers. The score of "nutritional requirements" should constitute 50% or above of the total score in the "Assessment Checklist of School Lunch Supplier" (Document 2).

To highlight the importance of "nutritional requirements", schools should perform scoring assessment taking into account the following four main items as listed in the "Classification of Food Items for School Lunch"

(https://school.eatsmart.gov.hk/files/pdf/Lunch_Classification_en.pdf)

formulated by DH. MCCA should agree and determine in advance the scores to be deducted in the case of nutritional requirements not being met for each meal choice.

1. All meal choices shall not provide dessert.
 2. All meal choices shall not contain "Strongly Discouraged Food Items", also known as "red light" food items.
 3. "Limited Food Items" (also known as "yellow light" food items) shall not be provided for more than two days in any meal choice provided in the week (one week = four or five school days). (For further details, please refer to no.3 of FAQs of Chapter II in this handbook.)
 4. Confirm the frequency of provision of the "Encouraged Food Items" (also known as "green light" food items), in particular grains, with reference to the mode of meal serving:
 - ❖ "Encouraged Food Items" are generally grains, with at least 10% of whole grains or added vegetables;
 - ❖ If more than one type of grains is provided each day, at least one meal choice shall include "Encouraged Food Items" on all school days;
 - ❖ If only one type of grains is provided each day, then "Encouraged Food Items" shall be provided on at least two school days in a week.
 5. In short, the more capable a lunch supplier is of providing healthy lunch, the fewer scores will be deducted.
- iii. As for the rest of the documents of proof listed out in the "Assessment Checklist of School Lunch Supplier", MCCA can give a pre-agreed score to each document that meets the requirements.
 - iv. Schools should assess the services and price quotation of the tenderers separately. The assessment on services should not be affected by the price quotation. As such, the price information from the tenderers (to be submitted as separate documents from service information) cannot be unsealed until all the assessment on services has been concluded. (See no. 7 of FAQs of Chapter II in this handbook.)

Step 3: Announcing an Invitation to Tender/Sending out of Tender Invitation Documents

For the reference of potential bidding suppliers and prospective parent subscribers, MCCA can, upon conclusion of the above-mentioned tasks, upload to the school website the Letter of Invitation for Tender, which announces the service requirements, documents to be submitted by tenderers or other relevant arrangements, assessment criteria, the details on submission of tender documents as well as the date and time of submission deadline, etc. (Please see “Invitation for Submission of Tender (Template)” (Document 3).)

Step 4: Collecting Tender Documents

Schools should set up tender document collection boxes in accordance with EDB guidelines. The contents of the tenders submitted must comply with all the requirements stated in Step 2c. No one is allowed to amend the contents of the tenders, including the prices, after submission.

Note: Schools should make it compulsory that tenderers enclose service information (in triplicate) and price information (also in triplicate) in two separate envelopes and have them sealed. The two envelopes shall be clearly marked with the words “service information” and “price information”, and then put in a large envelope for submission. Tenderers shall neither disclose their prices in the service information nor indicate/disclose their identity on any of the envelopes; otherwise, the concerned tender documents shall not be considered.

Step 5: Assessment of Tender Documents and Other Documents Submitted

MCCA would make assessment according to the tenders submitted by the tenderers as well as the submitted documents required by the “Assessment Checklist of School Lunch Supplier” (Document 2).

For tenders that fulfil requirements as listed in Steps 2b and 2c above, MCCA can carry out assessment of each document of proof as listed in the “Assessment Checklist of School Lunch Supplier” (Document 2) in accordance with the preset uniform criteria. (Please see Step 2d for assessment criteria.)

If MCCA decides not to hold a tasting session, the school can proceed directly to Step 7 (Price Assessment) once the assessment of each document of proof as listed in the “Assessment Checklist of School Lunch Supplier” is concluded.

If MCCA decides to hold a tasting session, the school should invite the participation of the three highest-scoring prospective lunch suppliers from the “Assessment Checklist of School Lunch Supplier”. In case more than three candidates have scored the highest marks, MCCA will assess and compare the details of the highest-scoring tenderers again until three finalists are selected to take part in the tasting session. MCCA should note that before the assessment regarding the “Assessment Checklist of School Lunch Supplier” is concluded and before the tasting session is held, the school should not unseal any envelopes containing price information.

Step 6: Assessment of Healthy Lunch Tasting Sessions (Tasting Sessions)

Before a tasting session is held, MCCA should set its aims, such as:

- i. assessing the nutritional quality of meals provided by the tenderers to make sure that their food follows the recommendations of the “Nutritional Guidelines on Lunch for Students” (latest version) issued by DH;
- ii. assessing the appearance, the creativity and the taste of the meals to be provided by the tenderers (to find out whether they are capable of producing healthy meals and at the same time safeguarding the attractiveness of their appearance, aroma and taste).

As for the actual operational rundown of the tasting session, DH recommends that schools arrange only the three highest-scoring tenderers from the first round of assessment to enter the tasting session in order to oversee that the session takes place in an eco-friendly manner and within control. MCCA can refer to the recommendations on arrangements and assessment criteria for tasting session below, with aid from “Invitation to Tasting Session” (Document 4), “Assessment Form for Nutritional Value” (Document 5) and “Assessment Form for Attractiveness” (Document 6).

Suggested Arrangements for Tasting Session:

- i. The finalists should provide for tasting, free of charge, five meal choices fulfilling the requirements of “Good Practices” as detailed in the “Nutritional Guidelines on Lunch for Students” (latest version) issued by DH:
 - each meal choice should contain at least one serving of vegetables;
 - only healthy and non-hydrogenated vegetable oils (e.g. corn oil, canola oil, olive oil and peanut oil) in limited amount are used for cooking;
 - all visible animal fat and excess oil used in cooking are removed before serving;
 - use more natural ingredients, herbs and spices to enhance dish flavours;
 - no dessert and confectionery is supplied.
- ii. The lunch suppliers should submit the meal list in advance for the school to ascertain beforehand whether the proposed meal choices meet the above-mentioned requirements. As for the meal choices not approved, they should be strictly denied entry to school premises on the day of the tasting session. (For details, please refer to “Invitation to Tasting Session” (Document 4).)
- iii. To ensure the representativeness of the tasting result, MCCA will invite three groups of school representatives, i.e. teachers, parents and students, to take part in the tasting session.
- iv. In order to avoid wastage and scandal, there should not be too many school representatives. Take a primary school as example: it is recommended that two student representatives from each class in Primary 4 and 5 and parent representatives from Primary 1 to 5 be invited for attendance, and that the

- three groups (teachers, parents and students) of representatives be of the same size. (For details, please refer to “Invitation to Tasting Session” (Document 4).)
- v. To ensure the objectivity of the voting, the tasting session should be conducted in a double-blinded manner, which means that lunch suppliers will be identified by their assigned codes; except the staff responsible for devising the codes, no tasting-session participants and other staff present know the identity behind the codes. Practical measures are as follows:
- no names or logos revealing the identity of the supplier should appear on any food container;
 - no staff or representatives of the lunch suppliers are allowed to stay inside or outside the premises of the tasting session;
 - lunch suppliers are only allowed to put the name of a meal item on the meal box;
 - lunch suppliers are only allowed to hand in their meal items directly to MCCA for coding.
 - all on-site arrangements must be made in such a manner that throughout the tasting session each food item will not reveal the identity of its supplier.

Restrictions of Tasting Session:

- i. no provision of “Strongly Discouraged Food Items”;
- ii. no provision of “Limited Food Items”;
- iii. no provision of beverage (including fruit juice) except water;
- iv. no provision of food items without prior approval by the school;
- v. no provision of gifts and promotion items of any kind to participants; and
- vi. no offer of benefit(s) of any kind by tenderers, their employees and agencies to school staff, SMC/IMC members, PTA members or parents or students involved in the supplier/contractor selection process.

Schools should strictly follow the rules formulated by MCCA for the tasting sessions, and penalise or even disqualify suppliers who fail to abide by the rules. In case of any disputes, the decisions of schools shall be final. However, schools are obliged to provide for an appeal mechanism. (Please refer to Step 10 of this chapter.)

Plant Visits

Schools should understand that any assessment of plants regarding structure, interior hygiene, food safety, packaging management and even transportation involves expertise and professional equipment. What school staff and parents see during a plant visit may simply be window dressing and will not help them understand how the supplier’s operation actually works. In fact, schools can obtain information of a more accurate nature about the situation of the suppliers’ plants in a more convenient way through several documents, including licences issued by FEHD, inspection reports and certificates of exemption from inspection from Health Inspectors, and HACCP and ISO 22000 certifications awarded by accredited certification bodies). (For details, please refer to nos. 17-19 of FAQs of Chapter II in this handbook.)

If it is the schools’ view that there is a need to visit the plant, MCCAs should set the visit objectives, formulate an objective assessment plan and assign weighting to

such assessment against the total scoring before the commencement of the tendering exercise. In addition, plant visits must be made before price assessment at the tender opening. Meanwhile, to ensure fair treatment, all tenderers who qualify for the tasting sessions should have the opportunity to have their plants visited, and that the tenderers are assessed against the same benchmark.

Step 7: Price Assessment

MCCA is not allowed to open the envelope containing price information to conduct price assessment until it has finished Step 5 (Assessment of Tender Documents and Other Documents Submitted) and Step 6 (Assessment of Healthy Lunch Tasting Sessions (Tasting Sessions) (if applicable)). MCCA should not conduct any negotiations concerning prices with individual lunch suppliers. If such negotiations are truly needed, MCCA should have the reasons for doing so and the decisions made clearly documented, and should oversee that all tendering lunch suppliers should be given the opportunity of obtaining the same information and resubmitting quotations. During the negotiations, MCCA shall not disclose to any tenderer the contents of the tenders submitted by other tenderers.

Step 8: Calculating Total Score

MCCA should use the “Excel for Score Calculation” (Document 7) provided by DH to set beforehand the weighting of service and price for calculating the total score.

Step 9: Recommending for Appointment

MCCA is obliged and required to keep a proper record of all contents and results of the assessments. The tendering lunch supplier with the highest score will be recommended to the school for official appointment. When preparing the contract, the school must ensure that all service requirements as listed in the “Invitation for Submission of Tender” and all the contents of the “Lunch Supplier’s Pledge” have been set out in or annexed to the commercial contract for implementation by the lunch supplier.

Step 10: Appeal Mechanism

The above tendering and assessment procedures are in line with the guidelines issued by EDB, and are overseen by MCCAs of schools to ensure that the procedures of assessment and awarding of the contract are fair and proper. If tenderers consider themselves unfairly treated or their tenders unfairly processed, they can report such situation to the schools or contact the Senior School Development Officers of the districts in which the concerned schools are located. (<http://www.edb.gov.hk/en/contact-us/reo.html>)

Summary

This chapter aims at providing schools, teachers and parents some important information and steps to be noted when selecting school lunch suppliers to ensure

that the whole process complies with the principle of fairness, justice and openness. Schools may visit the “EatSmart@school.hk” Campaign website (<https://school.eatsmart.gov.hk>) of DH to download all the documents mentioned in this chapter and amend them according to the school context. For the sake of providing nutritious lunches to school children, we believe that schools will assess the candidates and select the most capable lunch suppliers in a proper manner with a view to establishing healthy eating practices in schools.