

RESOLUTION 19-34 – AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND US FOODS, INC. TO SERVE AS THE PRIMARY DISTRIBUTOR OF FOOD AND FOOD PRODUCTS FOR PREPARATION AND RESALE AT THE CAPE MAY-LEWES FERRY.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey that operates and maintains the Cape May-Lewes Ferry and adjoining terminals in Cape May, New Jersey and Lewes, Delaware; and

WHEREAS, the Authority seeks to retain a primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry; and

WHEREAS, the Authority publicly advertised a Request for Proposals (“RFP”) to provide such food products in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for the use of competitive proposals for purchases whereby the Authority intends to compare the different price, quality and contractual factors of the proposals submitted, to conduct oral or written discussions with applicants concerning technical and price aspects of their proposals, and/or to award a contract in which price is not the determining factor; and

WHEREAS, the Authority received two (2) proposals pursuant to the aforementioned public advertisement, evaluated and scored the relative merit of each proposal under consideration, and determined each proposal to be acceptable; and

WHEREAS, following preliminary acceptance of the proposals received, the Authority negotiated with each individual respondent, allowed each respondent to revise their proposal, requested best and final offers, and performed blind product testing to accurately compare the proposed alternate products to the products specified by the Authority; and

WHEREAS, US Foods, Inc. (“US Foods”) was designated as the most desirable proposer following extensive evaluation; and

WHEREAS, the Authority wishes to enter into a Purchase Agreement (“Agreement”) with the selected food distributor; and

WHEREAS, the Agreement shall have a base term of three (3) consecutive years from the effective date of the Agreement, with the option to extend the Agreement for up to two (2) additional periods of one (1) year each after the expiration of the base term, either such additional one-year term an “Option Term”; and

WHEREAS, either such Option Term is to be authorized by the originating committee with the consent of the Chairman and Vice-Chairman of the Board of Commissioners; and

WHEREAS, the Budget & Finance Committee has reviewed this recommendation and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Purchase Agreement with US Foods to provide

the Authority with food products for preparation and resale at the Cape May-Lewes Ferry and to have such Purchase Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

Resolution 19-34 Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and US Foods to serve as the primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry

Committee: Budget and Finance

**Committee/
Board Date:** September 17, 2019

Purpose of Resolution:

To authorize an agreement with US Foods to serve as the primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the use of competitive proposals for whereby the Authority intends to compare the different price, quality and contractual factors of the proposals submitted, to conduct oral or written discussions with applicants concerning technical and price aspects of their proposals, and/or to award a contract in which price is not the determining factor.

The Authority received and evaluated proposals submitted by the following two (2) firms:

US Foods, Inc.
Sysco Eastern Maryland, LLC & Sysco Philadelphia, LLC

The Authority designated a Selection Committee to evaluate Proposals and recommend the Proposer who best met the described needs of the Authority. The Authority conducted an analysis of the proposed costs for the products and negotiated for the products to be provided at rates determined to be fair and reasonable.