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OFFICE OF THE COMPTROLLER
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AUDIT

BUREAU OF AUDIT

December 9, 2021

By Electronic Mail

Meisha Porter
Chancellor
New York City Department of Education
52 Chambers Street
New York, New York 10007

Re: NYC Comptroller's School Food Investigation

Dear Chancellor Porter:

I write to provide you with the results of an investigation the New York City Comptroller's Office conducted of the Department of Education's (DOE's) procurement of food for the City's public schools, including our recommendations to mitigate the identified risks of waste, fraud and corruption.

Findings in brief:

- Over a four-year period (Fiscal Years 2015 – 2018), DOE spent more than a half-billion dollars, averaging \$134,585,721 per year, on scores of food products called “approved brands,” with no competitive bids or proposals, no published rules or procedures, no transparency, and little if any oversight.
- The noncompetitive and opaque approval process was extraordinarily vulnerable to abuse. That risk was not abstract: federal prosecutors have charged the former Chief Executive Officer of DOE's Office of School Support Services and three food company executives with felonies related to DOE's procurement of “approved brand” food products. Our investigation was separate, but both investigations exposed a system that was ripe for abuse.
- “Approved brand” products were overpriced. DOE's data indicates that the agency paid \$7.8 million more for just five “approved brand” food items in two years than it paid for the same items at prices it obtained through subsequent competitive bidding.

Recommendations:

- 1. Implement and publish a written policy and procedure for “approved brands.”** DOE’s written policy and procedure should set forth all required steps and timeframes necessary for its approval of a branded food product, identify the DOE units responsible for each step, and provide for independent review. DOE should publish the policy and procedure on its website and publicly disseminate it through additional means, such as the online City Record. The policy and procedure should define and limit the circumstances, if any, in which a specific required step or timeframe may be eliminated or modified and require a documented justification and advance approval by an independent reviewer for any such departure from the standard process.
- 2. Procure food competitively and justify “approved brands” procurements as exceptions.** DOE’s written policy and procedure should expressly state that DOE must select food products through competitive procurement methods except to meet true short term needs, justified in writing as exceptions, subject to the written approval of an independent reviewer with no direct role in the procurement.
- 3. Reexamine pricing.** DOE’s Division of Contracts and Purchasing should assess current methods for determining whether the prices of the food products vendors market to DOE, including existing and prospective “approved brands” are “fair and reasonable.” The assessment should factor in DOE’s purchasing power as one of the nation’s largest customers.
- 4. Vet “approved brand” suppliers.** Institute appropriate vetting of “approved brand” suppliers, using the review required for contract direct vendors as a guide.
- 5. Create transparency.** Publish, in advance, on the relevant public pages of DOE’s website, in DOE’s Vendor Portal, and, where appropriate, in the City Record: (a) all required steps of the “approved brand” process; (b) each new solicitation of products; (c) the results of each solicitation; and (d) a current list, updated regularly and not less than once per months, of all “approved brand” products, with unit prices and the total amount spent each year on each product.
- 6. Review food purchases periodically.** Review “approved brand” food products periodically, not less than annually, to identify food items appropriate for procurement through competitively bid contracts.

Background

How Does DOE Purchase Food?

DOE serves “approximately 43 million breakfasts, 105 million lunches, and 16 million snacks and suppers” during the school year, and “an additional 8 million breakfasts and lunches” during the summer at approximately 1,250 school kitchens citywide.¹

In the period our investigation covered, DOE directly purchased most of that food through contracts with three to four food distributors that delivered food to all DOE schools in their respective assigned areas throughout the City.² The distributors directly *purchase* DOE's food, but DOE *selects* the food products the distributors are allowed to purchase. Most of those products are in the category of “approved brands,” and DOE selects them through an internal, informal process with no provision for competition among the vendors, as described below.

“Contract Direct” vs “Approved Brands”

DOE spends nearly 80 percent of its food budget on frozen and grocery products. In the period we investigated, DOE selected those products in two different ways—either as “contract direct” items, roughly 40 products that accounted for 16 percent of DOE's spending, or as “approved brands,” 243 items that accounted for the vast majority of DOE's purchases.³ DOE selected the “contract direct items” through open competitive bidding; in contrast, DOE selected its “approved brands” with no competitive process, contracts, or published rules and procedures.⁴

¹ NYCDOE –Request for Bid, Serial Number B3179. To obtain federal reimbursement, DOE must meet United States Department of Agriculture (USDA) nutritional standards. DOE must also meet New York City and New York State food-service requirements. NYSED Child Nutrition Knowledge Center, *Policy & Regulations*, <http://www.cn.nysed.gov/miscellaneous/policy-regulations>, last accessed October 22, 2021; NYC DOE, *Menu Nutrition Information*, <https://www.schools.nyc.gov/school-life/food/menu-nutrition-information> (last accessed October 22, 2021). DOE also obtains donated food through other public agencies, primarily New York State's Office of General Services.

² DOE designates food distribution contract areas as “Aggregate Classes” 1 through 6, with Manhattan, Staten Island, and the Bronx each constituting an aggregate class, and Brooklyn comprising two aggregate classes. NYCDOE Food Distribution Contracts Serial Numbers B2147 and B2442, (August 3, 2012, March 12, 2014).

³ Unless otherwise specified, “food products” in this letter means frozen and grocery items as opposed to milk, fresh bread, and fresh produce, which involve different selection methods and issues.

⁴ Approximately 12 percent of the amount DOE paid for “approved brands” was for fresh unprocessed produce. Our investigation focused on the frozen and grocery items that account for the vast majority of the expenditures, rather than the fresh produce. Although DOE accounted for fresh produce expenditures in the “approved brands” category, the agency generally did not approve specific brands of fresh produce but rather used industry standards such as size, USDA quality grade, and in some instances, place of origin, e.g., New York State apples to specify the fresh produce items that distributors were supposed to provide.

**Figure 1 - DOE’s Expenditures through Its Food Distributor Contracts
by Year and Sourcing Method, Fiscal Years 2015-2018**

Fiscal Year	DOE Spending through Food Distributors	“Contract Direct” Spending	Percent	“Approved Brands” Spending	Percent of Total Spend
FY 2015	\$154,522,638	\$33,441,441	22%	\$121,081,197	78%
FY 2016	\$161,737,105	\$23,659,553	15%	\$138,077,552	85%
FY 2017	\$156,596,486	\$21,311,861	14%	\$135,284,625	86%
FY 2018	\$169,701,630	\$25,802,120	15%	\$143,899,510	85%
TOTAL	\$642,557,859	\$104,214,975	16%	\$538,342,884	84%

*Source: NYC DOE (percentages calculated by Comptroller’s Office). In this table, fresh produce is included in “approved brands” and constitutes approximately 12 percent of that category of spending. The issues we identified relating to “approved brands” did not necessarily pertain to fresh produce.

“Approved Brands” Vendors Do Not Necessarily Produce the Food They Market to DOE

DOE’s “approved brands” vendors—the companies that market the products to DOE and then sell them to DOE through DOE’s contracted distributors—do not necessarily produce or even physically handle those food products. Rather, many engage third parties—food manufacturers—that produce, package, and deliver the products. The previously-mentioned criminal charges describe the structure:

Food Service Company [fictional name used in the federal criminal complaint to identify the company whose executives were charged] was formed to provide various food products to retail and food service markets, including to K-12 schools across the country. Food Service Company did not manufacture or process the food products it marketed and sold; instead, Food Service Company partnered with food manufacturers to produce the products that Food Service Company had contracted to provide.

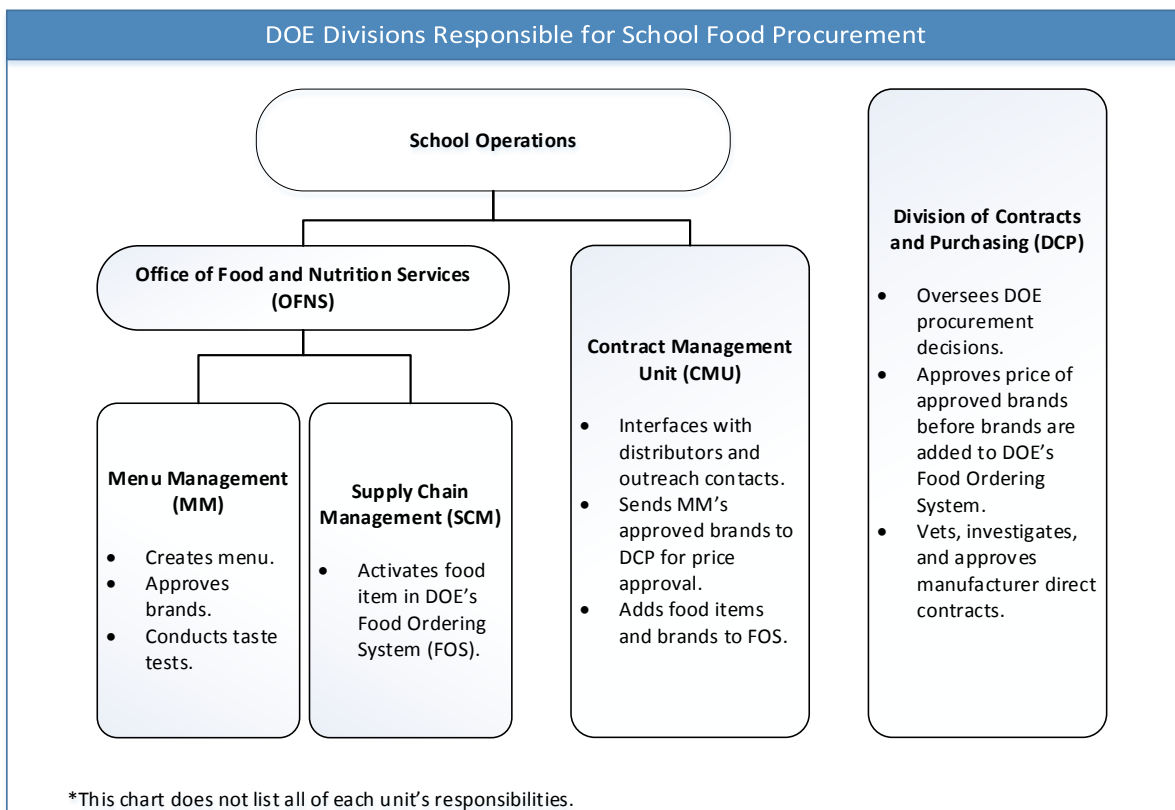
In our investigation, we found one instance, not charged in the criminal complaint, in which an “approved brand” vendor added a 40 percent markup to the price it charged DOE for a food product that the vendor obtained from a third party. DOE purchased the product at a high volume—more than \$3 million worth per year. When DOE put that food item out for a competitive bid, the *same* vendor immediately reduced its price by 15 percent and nevertheless lost the bid to an even lower-priced competitor, as detailed later in this letter. Over two years, DOE paid \$979,272 more for the “approved brand” product than it would have paid as a “contract direct” item at the price it obtained through competitive bidding.

The fact that food vendors subcontract out the hard costs of manufacturing, storing, and delivering perishable food products is not inherently improper; it reflects a reality in the industry. However, the structure can lead to DOE’s paying artificially high prices when it selects such products as “approved brands” with no price competition and no transparency, as the above example, and others described later in this letter show.

Who Selects DOE’s “Approved Brands”?

In the period we investigated, two DOE bureaus divided responsibility for purchasing food and authorizing “approved brands”: School Operations, reporting to DOE’s Chief Operating Officer (COO), and the Finance unit, specifically its Division of Contracts and Purchasing (DCP). DOE’s Office of Food and Nutrition Services (OFNS), an office within School Operations, selected DOE’s “approved brand” food products, subject to DCP’s approval of their prices.⁵ Two DOE officials—OFNS’ deputy director and its director of Menu Management—shared primary responsibility for approving the “approved brands.”

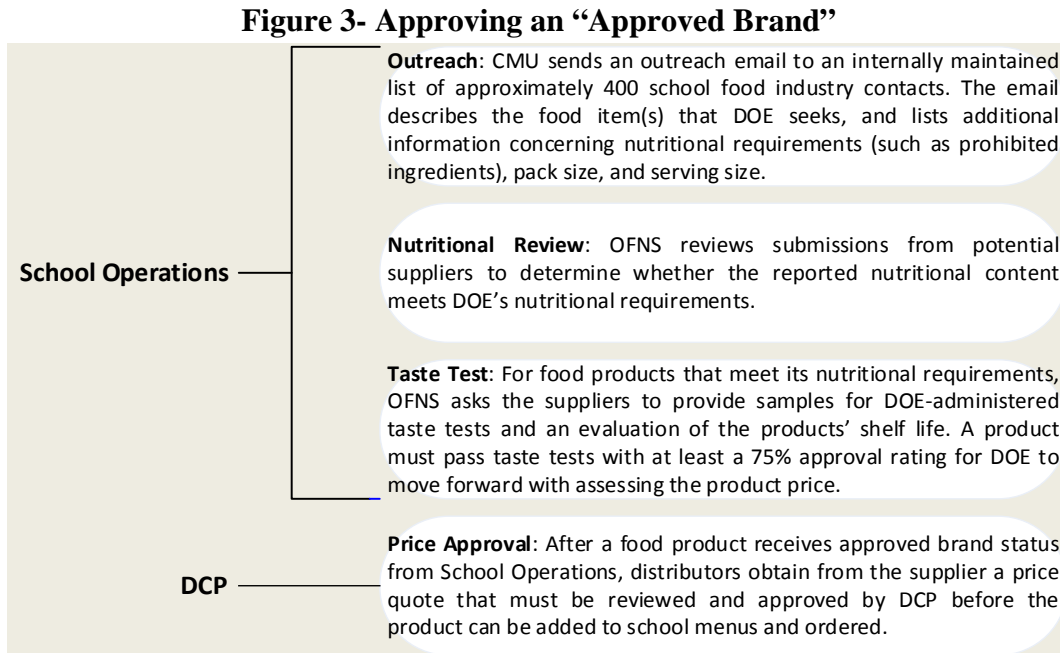
Figure 2 – DOE Units Responsible for “Approved Brands”



⁵ Prior to September 2018, DOE’s Office of School Support Services (OSSS) oversaw OFNS, previously known as the Office of School Food. DOE rebranded OSSS as the Office of School Operations, which oversees OFNS.

DOE's Internal Four-Step Process

DOE generally followed a four-step, internal process to consider "approved brands," as outlined in Figure 3 below.



The steps were supposed to be sequential, but the process was informal, in that DOE did not adopt or disseminate a rule or even a written DOE policy and procedure governing it.

Investigative Findings

DOE's "Approved Brands" Procurement Was Noncompetitive

The sheer scale of DOE's procurement of "approved brands"—84 percent of its spending under the food distribution contracts—conflicted with the intent, if not the letter, of DOE's procurement policy, which generally requires competitive sealed bidding for other than small purchases.⁶ When DOE determines in a particular case that competitive bidding is not practicable, it is supposed to so state in writing and use "the most competitive alternative method" available.⁷

DOE officials contended that *all* of the food DOE purchased, including "approved brands," was competitively procured, citing DOE's competitively bid contracts with its food distributors. However, DOE's argument elevates form over substance and conflates the competitive process it

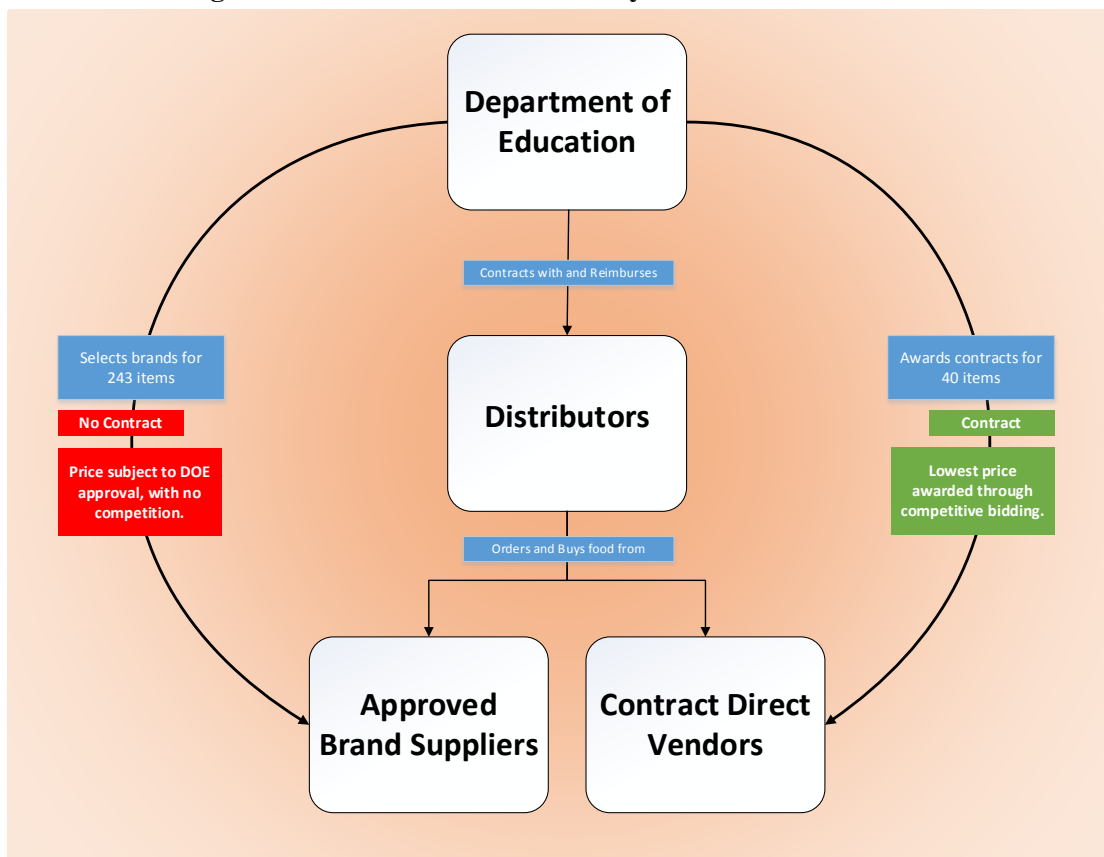
⁶ Competitive sealed bidding does not necessarily ensure competition. For example, a 2014 audit of DOE's awarding of milk contracts found that the agency did not adequately review possible signs of collusion, noting that "[t]he competitive process only works when competitors set prices honestly and independently." Audit Report on the Department of Education's Awarding of Milk Distribution Contracts, ME12-093A (February 26, 2014).

⁷ PPP, Chapter 3, *Methods of Source Selection*, § 3-01, *Policy*, (d) *Justification for Alternative Source Selection Method*.

employs to select food distributors with the non-competitive process it uses to select the food products it purchases through them.

In practice, it was DOE—not its contracted food distributors—that *selected* the “approved brands” that the distributors delivered. Critically, DOE selected those products without publicly soliciting competitive bids or proposals. Moreover, the companies that sold the “approved brands” to the distributors actively marketed those products directly to DOE decision makers. Some generated millions of dollars in sales based on *DOE's* product-selection decisions (not the distributors' decisions) without entering into contracts with DOE. In short, the fact that DOE awarded its food *distribution* contracts through competitive bidding was all but irrelevant to the issue of whether DOE procured the food *products* it purchased from the distributors through a competitive process.

Figure 4 - How DOE Selects and Pays for School Food Items



When DOE's food distributors bid on contracts, they provided individual price quotes for as many as 290 different food products, most of which DOE had previously approved. However, DOE did not compare the individual prices for those products to identify the lowest bid for each.⁸ Instead,

⁸ The multi-year distributor contracts in effect during the period our investigation covered were subject of a request for bids in 2014. An earlier investigation by the Special Commissioner for the New York City Schools, reported in

DOE considered each distributor’s aggregate bid price, in effect, the sum of all the prices for individual items, weighted by anticipated quantity, plus the distributor’s markup.⁹

Similarly, when DOE added new “approved brand” food items to its menu during the multi-year terms of the distributor contracts, it did not obtain competitive bids. Instead, DOE’s DCP merely determined whether the price of a given product—after it had passed DOE’s nutritional review and taste test—was “fair and reasonable.” That determination generally was based on a comparison of the product’s price with prices DOE was already paying or had previously paid for similar items, or, alternatively, with retail prices. In sum, DOE had no assurance that its “approved brands” were competitively priced or offered the best value in relation to the large quantities of food DOE purchased.¹⁰

“Approved Brands” Cost More than Competitively Procured Products

The prices DOE paid for just five “approved brand” chicken products in Fiscal Years 2017 and 2018 exceeded those it obtained in Fiscal Year 2019 through “contract direct” competitive bidding by margins ranging from 6 percent to 50 percent and averaging 25 percent. Potential, but forgone, savings for the five items alone exceeded \$5 million per year, as shown in Figure 5, which follows.

Figure 5 – “Approved Brands” vs “Contract Direct” Cost - Fiscal Year (FY) 2017

“Approved Brand” Item	DOE Spend Ranking	Amount DOE Spent	Competitive Bid Price Difference	DOE Overspending on “Approved Brand”
Chicken Breaded Bites	1	\$5,529,258	-18%	\$995,266
Chicken Patty	2	\$4,807,938	-6%	\$288,476
Chicken Drumstick	3	\$4,562,289	-50%	\$2,281,145
Chicken Dumpling	7	\$3,166,150	-14%	\$443,261
Chicken Tender	11	\$2,367,154	-50%	\$1,183,577
<i>Total DOE Overspent on 5 “Approved Brands” - FY 2017</i>				\$5,191,725

2004, found inadequate oversight of the bidding process, favoritism toward one vendor, and improper acceptance of gifts. See <https://www1.nyc.gov/assets/doi/sci/reports/02-04-Food-Purchasing-Procedures-letter-to-klein.pdf> (last accessed December 8, 2021).

⁹Only six distributors bid, only four were awarded contracts, and one of those four, with DOE’s permission, later assigned its contract to one of its erstwhile competitors. At present, only three distributors serve the six Aggregate Class zones.

¹⁰ DOE’s “alternate brand” policy, referenced in its food distribution contracts but not otherwise published, theoretically enables distributors (or other industry participants) to propose lower priced substitutes for “approved brands.” In practice, however, “alternate brands” are rarely proposed and even more rarely approved. Moreover, the internal process is similar to the “approved brands” process and lacks safeguards such as public solicitations, standard timeframes, and published outcomes.

Two of the “approved brand” chicken products DOE purchased in FY 2017, chicken drumsticks, which ranked 3rd by DOE spending for food items, and chicken tenders, which ranked 11th, were marketed by the company whose executives allegedly bribed a former DOE official to obtain DOE’s business, according to the previously-mentioned federal criminal complaint. After spending more than \$7 million on those two products in Fiscal Year 2017, DOE removed them from its menu, following multiple reports of students’ and staff members’ finding non-edible material such as plastic, bone, and metal in the chicken tenders.¹¹ Two years later, DOE began to procure other brands of those food items through competitive bidding, using its “contract direct” process. Based on the bid prices DOE obtained in 2019, we estimate that DOE could have saved \$3.4 million in Fiscal Year 2017 on those two items alone through competitive bidding.

In another example, in Fiscal Years 2017 and 2018, DOE spent \$3.2 million and \$3.4 million, respectively, for an “approved brand” of frozen chicken dumplings at net prices of \$84.88 and \$86.00 per case.¹² We learned that the company that controlled the “approved brand” and marketed the product to DOE was paying a food manufacturer \$60.78 per case for the product and adding its own markup of \$24.10 per case (40 percent)—for a product that it did not physically handle.

In 2019, DOE requested competitive bids for the chicken dumplings. The *same* company that was already selling the product to DOE at \$86.00 per case immediately lowered its net bid price to \$73.00 per case—a 15 percent reduction—and DOE ultimately awarded the contract to a competitor that bid even lower, \$72.75. Applying the 15 percent reduction to DOE’s purchases of the product as an “approved brand” in Fiscal Years 2017 and 2018—totaling \$6,528,480—DOE could have saved \$979,272 by purchasing the product through “contract direct.”

Figure 6 “Approved Brands” vs “Contract Direct” Cost - Fiscal Year (FY) 2018

“Approved Brand” Item	DOE Spend Ranking	Amount DOE Spent	Competitive Bid Price Difference	DOE Overspending on “Approved Brand”
Chicken Breaded Bites	1	\$10,179,941	-18%	\$1,832,389
Chicken Patty	4	\$5,388,498	-6%	\$323,310
Chicken Dumpling	7	\$3,362,330	-14%	\$470,726
<i>Total DOE Overspent on 3 “Approved Brands” - FY 2018</i>				\$2,626,426

¹¹ McCarthy, Ciara, “NYC Schools Stop Serving Chicken After Student Finds Metal in Tender,” Patch, 21 April, 2017, <https://patch.com/new-york/new-york-city/nyc-schools-stop-serving-chicken-after-student-finds-metal-tender>, last accessed October 22, 2021.

¹² Net prices exclude distributors’ markups, which ranged from \$4.23 to \$6.45.

DOE's Decision-making on "Approved Brands" Was Opaque

DOE's opaque procedure for the selection of "approved brands" lacked the standard mechanisms that provide transparency, mitigate risk, and protect rules-based procurement systems against corruption, conflicts of interest, favoritism, and fraud. Such mechanisms include but are not limited to a public bid opening and a documented, publicly available outcome of a bid solicitation or a request for proposals.¹³

The following key mechanisms were also absent:

- vetting of the companies offering "approved brand" food products;
- published timeframes for DOE's selections;
- rules requiring adherence to published procedures and timeframes and limiting exceptions;
- procurement rules requiring ethical conduct by public employees and vendors; and
- contracts for purchases exceeding small purchase limits, subject to external review by DOE's Panel for Education Policy and the Comptroller's Office through contract registration.

Without such checkpoints, DOE's decision-making process and timetable were largely left to the discretion of a limited number of DOE employees.¹⁴

DOE Decision Makers Waived Requirements, Creating Appearances of Favoritism

We found that DOE deviated from its internal "approved brand" procedures in at least two instances, described below.

¹³ The lack of standard mechanisms has been identified as problematic in other areas of DOE's procurement practices, including its non-competitive and limited competition contracts and its milk distribution contracts from 2008 through 2013. Audits issued by this office found that DOE lacked comprehensive written procedures to detect and protect against possible collusion. *See* Follow-Up Audit Report on the Department of Education's Controls over Non-Competitive and Limited Competition Contracts and Contract-Related Actions, ME17-078F (August 11, 2017); Audit Report on the Department of Education's Awarding of Milk Distribution Contracts, ME12-093A (February 26, 2014).

¹⁴ For example, the procedures do not provide guidance as to appropriate contact between DOE decision-making personnel and "approved brand" food product suppliers, which can lead to favoritism or its appearance. According to newspaper accounts, the personal relationship between the former head of OSSS with an investor in a food company was a factor that ultimately led to DOE's selection of a particular proprietary brand of cereal as the lone approved brand for purchase by its distributors. *New York Times* (NYT), March 1, 2017, <https://www.nytimes.com/2017/03/01/dining/cereal-health-new-york-city-public-schools.html> (last accessed October 22, 2021); *CityLimits*, October 1, 2018, <https://citylimits.org/2018/10/01/an-ousted-doe-official-an-ex-white-house-chef-an-nba-star-and-a-pricey-breakfast-cereal/> (last accessed October 22, 2021). According to the NYT article, the cereal was a healthier breakfast option, for which DOE was paying "a little more" than the cereals it replaced. Records reviewed in this investigation, however, show that DOE paid almost twice the cost per serving for this cereal brand compared with the products it replaced. The former head of OSSS referenced in the above articles is the former DOE official who is currently charged in the previously-cited federal criminal case.

Yogurt Parfait

DOE added a Yogurt Parfait product to its menu as an “approved brand” before completing its internal approval process. We raised that example with DOE officials during our investigation and found afterward that it was also cited in the previously-mentioned criminal complaint.

In 2015, *before* conducting any of the required taste tests, DOE scheduled the date when a specific brand of Yogurt Parfait would be served to students. DOE then purchased approximately \$5 million worth of the product in the next two fiscal years. In our investigation, DOE claimed that it had pre-approved the Yogurt Parfait to meet menu needs for “New York Thursdays,” a day DOE had designated for the use of locally sourced food products. That explanation, however, disregarded the fact that DOE was already using a New York-sourced yogurt product.

The criminal complaint alleges that the former DOE official charged in that case directed other DOE employees to “fast track” the Yogurt Parfait in exchange for bribes he obtained from the food company charged in the case.¹⁵ Internally, DOE staff raised red flags at the time of the transaction, asking, “How can this item be delivered to distributors if it hasn’t been officially approved as of yet? It is not even in the food ordering system. I don’t understand. This is not the normal process.”¹⁶

Flavored Baby Carrots

In another case where DOE deviated from its “normal process,” DOE approved a manufactured “flavored baby carrot” food product, and added it to the school food menu in December 2015, after it failed the ostensibly required DOE taste tests. DOE thereafter purchased \$2.8 million worth of the product in two years.¹⁷ When we asked about that matter, DOE explained that the taste tests it had previously represented were a required step were instead merely a “good indicator,” which DOE could overrule or bypass for a product that DOE determined was a healthy menu choice.¹⁸ Neither the “approved brand” procedures nor any other documents provided during this investigation articulated those reasons as grounds for waiving a requirement that DOE initially represented applied to *all* “approved brand” products.

DOE’s departures from its avowed four-step “approved brand” process for the Yogurt Parfait and the flavored baby carrots—and its questionable after-the-fact rationales—illustrate how an informal, opaque process is subject to manipulation and potentially arbitrary decisions that drive millions of dollars of spending of public funds.

¹⁵ Complaint and Affidavit in Support of Arrest Warrants, U.S. v. Goldstein et al, 1:21mj1102, filed September 27, 2021, <https://www.justice.gov/usao-edny/pr/former-new-york-city-department-education-senior-official-and-three-others-charged>, (last accessed December 8, 2021).

¹⁶ December 9, 2015, email.

¹⁷ Ranch Carrots thereafter became one of DOE’s top 30 food items by spending during both Fiscal Years 2016 and 2017, with a combined total spend of \$2,788,623.

¹⁸ Taste tests are not required for unprocessed fresh produce. However, as a manufactured food product, flavored carrots were subject to them under DOE’s brand approval process.

Conclusion and Recommendations

Given the hundreds of millions of dollars at stake, DOE's opaque and noncompetitive "approved brand" process constitutes a significant corruption hazard. The process should be critically examined and either eliminated or curtailed and reformed.

DOE officials we spoke with said that they were incrementally increasing "contract direct" procurement but that the "approved brand" process remained necessary to provide DOE with the flexibility required to fulfill specific needs. Examples cited included the need to identify suitable products quickly to replace menu items no longer available or desirable and the related ability to test new food products and concepts within short timeframes not amenable to the competitive bidding process.¹⁹

Although it is true that DOE changed its method for procuring several high-volume products from "approved brands" to "contract direct" during the period our investigation covered, the vast majority of its food spending continued to go toward "approved brands" rather than "contract direct" items. If DOE's "approved brand" procedure fills legitimate public purposes, DOE should limit its use to specific instances in which it cannot reasonably follow a competitive procurement process. At a minimum, items that DOE purchases in large quantities over extended periods should be transitioned to "contract direct" procurement.

In addition, DOE's "approved brand" process, if retained, must be reformed. In that regard we recommend that DOE take the following steps:

- 1. Implement and publish a written policy and procedure for "approved brands."** DOE's written policy and procedure should set forth all required steps and timeframes necessary for its approval of a branded food product, identify the DOE units responsible, and provide for independent review. DOE should publish the policy and procedure on its website and publicly disseminate it through additional means. The policy and procedure should define and limit the circumstances, if any, in which a specific required step or timeframe may be eliminated or modified and require a documented justification and advance approval by an independent reviewer for any such departure from the standard process.
- 2. Procure food competitively and justify "approved brands" procurements as exceptions.** DOE's written policy and procedure should expressly state that DOE must select food products through competitive procurement except to meet true short term

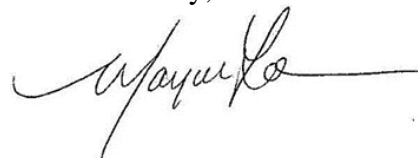
¹⁹ For example, DOE solicited bids for frozen chicken in 2017 and again in 2018 before awarding a contract in 2019.

- needs and that each instance of soliciting “approved brands” as an alternative to competitive procurement must be justified in writing as an exception to that policy, subject to the written approval of an independent reviewer with no direct role in the procurement.
- 3. Reexamine pricing.** DCP should assess current methods for determining whether the prices of the food products vendors market to DOE, including existing and prospective “approved brands” are fair and reasonable. The assessment should factor in DOE’s purchasing power as one of the nation’s largest customers.
 - 4. Vet “approved brand” suppliers.** Institute appropriate vetting of “approved brand” suppliers, using the review required for contract direct vendors as a guide.
 - 5. Create transparency.** Publish, in advance, on the relevant public pages of DOE’s website, in DOE’s Vendor Portal, and, where appropriate, in the City Record: (a) all required steps of the “approved brand” process; (b) each new solicitation of products; (c) the results of each solicitation; and (d) a current list, updated regularly and not less than once per months, of all “approved brand” products, with unit prices and the total amount spent each year on each product.
 - 6. Review food purchases periodically.** Review “approved brand” food products periodically, not less than annually, to identify food items appropriate for procurement through competitively bid contracts.

If adopted, these recommendations can help DOE align its “approved brand” process more closely with its published procurement policy and ensure that food it serves in City schools is purchased prudently, competitively, and transparently.

Thank you for your attention. My staff and I are available should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie Landa', with a long horizontal flourish extending to the right.

Marjorie Landa

c: Anastasia Coleman, Special Commissioner of Investigation
for the New York City School District