

1. Notice of Request To Qualify (RTQ)

Brigham Young University, hereinafter referred to as “BYU,” located in Provo, Utah invites restaurants and catering businesses to qualify as an Approved Off-Campus Caterer (“VENDOR”) with rights and obligations relating to delivering and/or serving prepared food products on BYU property.

2. Acceptance

This RTQ is not an offer to contract; rather, it represents specific user requirements and conditions to become an Approved Off-Campus Caterer with rights and obligations relating to delivering and/or serving prepared food products on BYU property. Official receipt of the RTQ is an invitation to recipients to submit requested documentation. Issuance of the RTQ, the preparation and submission of a response, and the subsequent receipt and evaluation of responses by BYU does not obligate BYU to award approval status to any VENDOR, even if all the user requirements stated in the RTQ are met. Final posting of VENDOR name on the BYU Dining Services Web site will constitute BYU’s acceptance of VENDOR as an Approved Off-Campus Caterer through June 2017.

Each VENDOR, by submitting this document, acknowledges and accepts BYU's terms of this RTO and right to make decisions regarding the acceptance or rejection of each VENDOR at its sole discretion. Each VENDOR, by signing and submitting this document, acknowledges without qualification that it has no right to action of any kind against BYU if the VENDOR's submission for any reason is not accepted by BYU.

BYU also reserves the unrestricted right to accept or reject, in whole or in part, any or all submissions, or to scale down the requirements, if it is deemed to be in BYU's best interest.

3. Official BYU Catering and Food Distribution Policy

Brigham Young University strives to ensure that food at university events is prepared and served using safe food-handling practices and according to applicable health laws and regulations.

Public Events

All university events that are open to the general public, that are open to the general student body or the campus community, or for which anyone may purchase a ticket to attend are considered public events under applicable state and local health laws.

Public events include: Women's Conference events; Education Week events; Athletic events; Wellness events; Student Life events; and any event sponsored by a university college, department, division, club, or academic association to which the general public, the general student body, and/or the general campus community is invited.

All public events that serve or offer food require a permit issued by the Utah County Health Department. All food at public events must be purchased from BYU Dining Services or from an approved off-campus caterer. All university units that organize or sponsor public events must coordinate health permits directly with BYU Dining Services, which holds the annual permits to serve food on campus and coordinates any necessary temporary food permits. As applicable, BYU Dining Services will also coordinate jointly with university units and approved off-campus caterers. BYU Dining Services may charge administrative fees to cover the cost of necessary health permits and for use of BYU Dining Services facilities, equipment, supplies, or personnel.

Private Events

University events that are not open to the public, that limit participants to a predetermined group of people, or that are organized and restricted to a particular university unit are private events for which permits are not required.

Private events include: college, department, division, club, or academic association lunches, meetings, or parties; events limited to invited guests, or for which an RSVP is required; and retirement parties.

In order to ensure that food at private events is prepared and served using safe food-handling practices, all food at private events must be purchased from BYU Dining Services or from an approved off-campus caterer. Any questions regarding public or private events should be directed to BYU Dining Services.

Exempt Events

Private university events that involve fewer than twenty people are exempt from this policy.

University units must follow the requirements of the negotiated university beverage contract at all events, including at exempt events.

Approved Off-Campus Caterers

BYU Dining Services is the preferred provider of food and beverages for the campus community. However, university units may use approved off-campus caterers, for both public and private events, provided that the university units and the approved off-campus caterers follow the requirements described in this policy. Approved off-campus caterers may not provide beverages to university units in violation of the negotiated university beverage contract.

The university oversees all off-campus food caterers and vendors desiring to do business with the university, including outside caterers, activity promoters, fund-raising organizations, and groups or individuals associated with for-profit or nonprofit causes.

BYU Dining Services maintains on its Web site a list of approved off-campus caterers. Approved off-campus caterers have demonstrated to the university that they have the necessary business licenses, permits, health inspection reports, and insurance to protect the health of members of BYU's campus community. The process for approving off-campus caterers is free and is outlined in the implementing procedures to this policy. The university reserves the right to approve or reject any application or renewal by an off-campus food caterer.

Approved off-campus caterers may not use BYU Dining Services facilities, equipment, supplies, or personnel unless they have received prior approval from BYU Dining Services and paid the applicable fees. Approved off-campus caterers providing services to university units are responsible for all staffing, equipment, small wares (including serving utensils, thermoses, bowls, and linens) and proper food storage, preparation, and holding. In addition, approved off-campus caterers are also responsible for all applicable health permits, including temporary food permits.

Off-campus groups using university facilities must use BYU Dining Services or BYU Catering for all of their food service. University-affiliated ecclesiastical units with campus scheduling privileges are not required to follow this policy for their private events; however, they may not use BYU Dining Services facilities, equipment, supplies, or personnel unless they have received prior approval from BYU Dining Services and paid the applicable fees.

Applicability

This policy applies to all university units.

4. Existing Campus Contract and Franchise Agreements

Because the university has a pouring contract with Coca-Cola and Swire Coca Cola USA Bottling, the following stipulations must be adhered to:

Any beverages served in a container (i.e. cans or bottles) must be caffeine-free Coca-Cola products distributed by Swire Coca Cola USA. They may be purchased through BYU Dining Services at competitive rates. VENDORS may provide bulk punch or water served in unbranded containers such as 5-gallon jugs, thermoses, pitchers, or bowls, in areas of campus where drinking fountains are not available.

VENDOR's failure to comply with these stipulations will result in a warning, then a one-year suspension as an approved off-campus caterer.

5. Required Documentation

The following documents must be submitted for approval consideration:

- a) Proof of Insurance as defined in **Section 7**,
- b) A current business license,
- c) Utah County Issued Food Permit,
- d) Copies of your three (3) most recent health inspection reports from the Utah County Health Department.
- e) Signed acknowledgment of this document(RTQ) and the completed, Required Information listed in **Section 19**.

All above requested documentation must be either emailed to BYU Risk Management at, insurance_certificates@byu.edu, or faxed to 801-422-0710. Failure to do this may delay the process. It is understood that insurances, licenses, and permits may lapse prior to the end of this initial authorization. The VENDOR is responsible to ensure that proof of continuing coverage is submitted to ConfirmNet BYU. BYU Risk Management and Safety will determine the adequacy of proof of insurance, licenses, and permits. Failure to provide subsequently renewed documentation after initial approval will terminate VENDOR from the Approved Off-Campus Caterer list.

6. Indemnification

VENDOR acknowledges and agrees that as an express condition of being an Approved Off-Campus Caterer, it shall indemnify, defend, and hold harmless the University, its officers, trustees, agents, and employees from any claims, damages, omissions, costs (including reasonable attorney's fees), and actions of any kind or nature arising from or caused by: (a) any negligent or willful act or omission on the part of the VENDOR or its employees or agents, and (b) the use of goods, equipment or services furnished by the VENDOR, provided that such liability is not attributable to the sole negligence of BYU, including anything that arises from or is caused by VENDOR after it is no longer an Approved Off-Campus Caterer (whether for failure to maintain insurance or otherwise).

7. Liability and Insurance

The VENDOR shall maintain and provide proof of the following minimum insurance coverage for the duration of its term as an Approved Off-Campus Caterer with companies authorized to do business in the State of Utah. Certificates of insurance shall be either emailed to BYU Risk Management, insurance_certificates@byu.edu, or faxed to 801-422-0710 and shall include the provision for notification to the certificate holder of any cancellation or material alteration in the coverage. **Certificate holder shall be listed as BYU Risk Management, 250 FB, Provo, UT 84602.**

- a. Commercial General Liability with limits no less than \$1,000,000 per

occurrence and \$2,000,000 aggregate. Such insurance should be written on a standard ISO occurrence form or substitute form providing equivalent coverage.

- b. Business Auto Coverage on a standard ISO form or substitute form providing equivalent coverage, with each accident limit of no less than \$1,000,000.
- c. Worker's Compensation and any other insurance required by Utah law will be maintained with its statutory limits.
- d. All insurances shall remain in force for the duration of the VENDOR's term as an Approved Off-Campus Caterer. Failure to maintain the required insurance in force will automatically result in VENDOR ceasing to be an Approved Off-Campus Caterer, as of the date the insurance coverage is no longer in force.
- e. The Commercial General Liability policy **shall name BYU as an additional insured.**

8. Equipment Requirements

- a. VENDOR is responsible to provide all necessary equipment and materials as outlined in the, Official BYU Catering and Food Distribution Policy (See Section 3.) The liability of all equipment shall remain the sole responsibility of the VENDOR. Under no circumstances shall BYU incur any liabilities whatsoever for damage, pilferage, acts of violence, fire, theft, including liability for damages, injury or sickness due to product spoilage, contamination or other fault.

9. Price Quotes

VENDOR must give full disclosure of its pricing, including, but not limited to, food and product prices, service fees, delivery fees, gratuities, etc. A written price quote must be provided to proper university employees at the time of the BYU order. The university will not be responsible to pay for charges that are not included on the price quote, unless related to changes in quantity ordered.

10. Sampling and Soliciting

Sampling on campus and in-person, phone, mail or email soliciting is prohibited.

11. Regulatory Requirements

VENDOR is responsible for all license fees as required by any government agency or permits necessary for the operation of its business. VENDOR shall conduct its business

in such a manner that no law, ordinance, rule or regulation of any governmental agency is violated.

12. Disposal and Maintenance

VENDOR is responsible for any janitorial service, trash disposal and other services related to its operation.

13. Age Requirements

All VENDOR employees working on the BYU campus must be at least 18 years old.

14. Uniforms

Uniform attire must clearly represent the VENDOR's business and comply with **Section 15**.

15. BYU Standards

VENDOR acknowledges the BYU Code of Honor and Dress and Grooming Standards, which are incorporated by reference into this document, and agrees to comply with the same while performing services on BYU premises.

16. BYU's Contact Person

Questions regarding approval status of documents submitted can be direct to:

Brigham Young University
Risk Management
Attn: Insurance Assistant
250 FB
Provo, UT 84602
Phone: 801.422.6886

All other questions pertaining to this project can be directed to:

Brigham Young University
Purchasing Department
Attn: Roland Nelson
166 SASB
Provo, UT 84602
Phone: 801.422.7006

17. Verbal Information

Any information that may have been released either verbally or in writing before the official issuance of this RTQ is superseded by this document and shall not be binding on BYU or any invited participant.

18. Ownership of Submitted Documents

All material submitted by VENDOR shall become the property of BYU.

19. Acknowledgement

By signing below, VENDOR acknowledges agrees it will abide by the terms of this RTQ, if accepted by BYU as an Approved Off-Campus Caterer. Approval is granted when VENDOR name is posted to BYU Dining Services Web site. BYU, at its sole discretion, reserves the right to remove VENDOR's approved status.

(Signature)

(Date)

(Printed Name)

Required Business Information:

Business Name _____

Address _____

City _____ State _____ Zip _____

Contact Name _____

Telephone _____ Cell _____ Fax _____

Contact E-mail _____