

**(ATTACHMENT 70) ACTION ON THE AWARD OF PROFESSIONAL SERVICES CONTRACTS RELATED TO SCHOOL NUTRITION**

MILWAUKEE PUBLIC SCHOOLS  
PURCHASING DEPT.

Purchase Requisition Number: CR016798

Contract Number: B0001140

Vendor Number: V025820

2016 AUG -1 P 2:40

**MILWAUKEE BOARD OF SCHOOL DIRECTORS  
PROFESSIONAL SERVICES CONTRACT SECOND EXTENSION & MODIFICATION**

On February 28, 2014, the Milwaukee Board of School Directors and Tyson Sales and Distributions, Inc., and Tyson Fresh Meats, Inc., entered into Blanket Contract (“Contract”) number B0001140, with a term of July 1, 2014 through June 30, 2015. The Contract, ¶ 2, provided for up to four additional one-year extensions by mutual consent and with Board approval. The parties mutually agreed to extend the Contract for the first one-year extension period and executed a Contract Extension and Modification (“the First Extension”) to that effect in July 2015.

The parties now mutually agree to extend the Contract for the second additional one-year term, from July 1, 2016 through June 30, 2017, under the same terms and conditions as set forth in the original Contract and the First Extension, except for those specifically modified below.

In accordance with ¶ 19 of the Contract, the parties modify those terms and conditions identified below.

**MODIFIED TERMS:**

1. The tables found in Paragraph 1 of the Contract and Paragraph 1 of the First Extension are deleted in their entirety and replaced with the table below. All other text of Paragraph 1 of the Contract and Paragraph 1 of the First Extension remains unchanged.

Category	Vendor	Product #	Product	2016-2017 Comm Deliv Price Into US Foods	Commercial Price
A522 /100103 Chicken, Large Birds	TYSON SALES & DISTRIBUTION, INC.	70364-928	Chicken Nuggets	\$39.37	\$54.43
		70332-928	Chicken Tenders made w/ Whl Muscle	\$63.53	\$97.11
		70362-928	Chicken Wings made w/ Whl Muscle	\$54.60	\$86.67
		70302-928	Chicken Patty, brd made w/ Whl Muscle	\$58.79	\$91.83
		70324-928	Chicken Patty, unbrde Spicy made w/ Whl Muscle	\$72.17	\$112.66
		4621-928	Chicken Fajita Strips	\$49.20	\$94.10
		022188-0928	Sliced Chicken Pepperoni	\$66.71	\$95.34

		19777-0328	Chicken Meatball	\$9.80	\$20.70
		21048	Sandwich Pancake w/ Sausage		

2. Paragraph 5 of the Contract is deleted in its entirety and replaced with the following:

“In the performance of work under this Contract, Contractor shall not discriminate in any way against any employee or applicant for employment on the basis of a person’s sex, race, age, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, disability, or socio-economic status. This prohibition includes but is not limited to employment; promotions, demotions and transfers; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeships. Contractor is required to include a similar provision in all subcontracts to this Contract.

If MPS determines Contractor has violated this non-discrimination policy, MPS may terminate this Contract without liability for undelivered services or materials. MPS may also deem the Contractor ineligible to participate in future contracts with MPS.”

3. Paragraph 7 of the Contract is deleted in its entirety and replaced with the following:

“Contractor will conduct, at Contractor’s expense, a criminal information records background check, (hereinafter referred to as “background check”), through the Wisconsin Department of Justice and other appropriate states’ agencies, on all current and potential administrators, board members, officers, and employees who have, or who are anticipated to have, “direct, unsupervised contact” with MPS students in the performance of this Contract.

An out of state background check should be completed in the state(s) in which the individual resided for at least six months within the last two years and was eighteen years or older at the time.

Contractor will submit to MPS’s Department of Employment Relations (DER), (via mail to Milwaukee Public Schools Background Checks, Attn: Department of Employment Relations, Room 116, 5225 West Vliet Street, Milwaukee, WI 53208, or via email at [564@milwaukee.k12.wi.us](mailto:564@milwaukee.k12.wi.us)), all completed background checks. Such records will be reviewed and MPS will notify Contractor of any individual(s) who, based on MPS standards, are unfit and should not have contact with MPS students. All determinations made by MPS with regards to whether an individual is fit to provide services pursuant to this Contract are made in MPS’s sole discretion.

The following will each be a material failure to comply with the terms of this Contract and cause for immediate termination of this Contract by MPS: failure to perform background checks as outlined in this Section 7; failure to submit background checks to MPS as outlined in this Section 7; allowing services to be provided by an individual who has not be subjected to a background

check; and allowing services to be performed by an individual who has been determined to be unfit by MPS as outlined in this Section 7.”

- Paragraph 16(C) of the Contract and paragraph 2 of the First Extension are deleted in their entirety and replaced with the following: “Contractor shall comply with, and ensure its subcontractors performing work under this Contract comply with, Milwaukee Board of School Directors’ Administrative Policy 3.09(17), which requires that employees be paid a ‘living wage’.”

CONTRACTOR

By:  Charles Boger  
Director Pricing

Date: 06/23/2016  
Tyson Sales and Distributions, Inc.  
Tyson Fresh Meats, Inc.  
2200 Don Tyson Parkway  
Springdale, AR 72762  
(479) 290-3452

Tax ID:

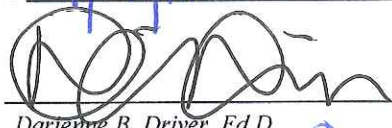

Budget code(s): BKF-0-0-BKF-DW-EFOD  
LNC-0-0-LNH-DW-EFOD  
DNR-0-0-DNR-DW-EFOD

Board Approval Date: 6/30/16

Reviewed By:   
Risk Management

MILWAUKEE BOARD OF SCHOOL DIRECTORS

By:   
Kristen DeCato, Director  
Procurement & Risk Management

Date: 7/7/16  
By:   
Darlene B. Driver, Ed.D.  
Superintendent of Schools 

Date: 7/19/16

By:   
Mark A. Sain, President  
Milwaukee Board of School Directors

Date: 7-26-16

Date: 08-16-16