

# THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

## POLICIES AND PROCEDURES MANUAL



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## SECTION 1 - How to Use This Manual

The Florida Department of Agriculture and Consumer Services (Department), Division of Food, Nutrition and Wellness (FNW), Bureau of Food Distribution (Bureau), has been designated as the agency for the State of Florida to administer The Emergency Food Assistance Program (TEFAP) for the United States Department of Agriculture (USDA). This Policies and Procedures Manual for TEFAP is intended for use by eligible recipient agencies (ERAs) that participate in the distribution of USDA donated foods to program-eligible recipients. The purpose of this manual is to serve as a guide to Federal regulations pertaining to TEFAP, as well as to outline discretionary State policies and procedures for program implementation by ERAs.

Several resources contributed to the content of this manual. The Code of Federal Regulations (7 CFR, Parts 250 & 251) outlines the Federal government program requirements for TEFAP. 7 CFR, Part 251, The Emergency Food Assistance Program (TEFAP) is the Federal government primary guidance outlining the program. 7 CFR, Part 250, Donation of Foods for Use in the United States, its Territories and Possessions and Areas under its Jurisdiction provides general operating provision for all donated foods obtained from USDA. A recent final ruling to revisions of the 7 CFR, Parts 250 & 251, reflects a trend toward simplification of the program and an increase in discretionary policy at the State level. Additional information and clarification is provided through USDA's Policy Memos. Throughout this manual, parenthetical notations are provided for all references to Federal regulation.

**This Policies and Procedures Manual should be considered a living document**, meaning that the manual contains current TEFAP program policies and procedures required by the Federal government and Bureau. The Bureau may clarify or add policies and procedures as situations in the field prompt the need for further interpretation or greater program structure, or if changes in Federal regulations occur. In keeping with the Federal trend toward simplification and flexibility, this manual, in some instances, provides the spirit of certain policies and procedures, rather than the letter of the law, to provide discretion at the local level. Our primary mission is to distribute TEFAP USDA donated foods to the agencies and households who are in need of food assistance, and treat our customers with dignity and respect.

It is the responsibility of eligible recipient agencies (ERAs) to:

- read this manual carefully and apply the policies and procedures herein with good judgment;
- stay current with subsequent Department policy and information notices issued after the creation of this manual and adhere to the policies and procedures therein;
- contact the Bureau TEFAP Coordinator when further clarification is needed.

In closing, the Bureau is here to collaborate in your efforts to effectively and efficiently distribute USDA commodities to program eligible individuals and households. The information, policies, and procedures in this Procedures Manual apply to the administration, handling, storage, distribution, etc. of **all** TEFAP USDA donated foods allocated and/or received in the state, whether as part of the state's allocation/entitlement, or bonus.

## **SECTION 2 - Program Description and History**

### **2.1 - Description:**

TEFAP provides low-income individuals and households with surplus commodities donated by USDA. The Bureau enters into agreements with eligible recipient agencies (ERA) to serve as a distribution network for TEFAP. TEFAP is designed to supplement the nutritional needs of program-eligible individuals and households. Program-eligible recipients may receive food through congregate feeding sites where food is prepared and meals are served in a group setting, or through distribution sites where food is distributed for household consumption.

### **2.2 - History:**

TEFAP was founded in 1981 due to the large surpluses of dairy products accumulated by the USDA. By late 1981, the USDA had approximately 560 million pounds of surplus cheese on hand. President Ronald Reagan authorized USDA to provide surplus cheese to low-income people, by offering it to the states for distribution to needy persons through food banks. In March 1983, Congress authorized The Emergency Food Assistance Program in the Jobs Bill and provided states with administrative funds to manage and distribute the commodities.

As a result of changes in farm policies, a better balance of supply and demand had also been achieved, and USDA was no longer purchasing large quantities of food under its price support system. The program has been providing USDA donated food to needy persons ever since, as a supplement to other assistance provided at the local level.

Although TEFAP began as a temporary program, intended to end when Federal surpluses had been reduced, many low-income individuals and families came to rely on the surplus food to supplement their diets. Congress re-authorized TEFAP through the Hunger Prevention Act of 1988 and the 1990 Farm Bill. These reauthorizations provided annual appropriations to purchase USDA Foods for TEFAP for needy individuals and families.

Funding for TEFAP was merged with Soup Kitchen/Food Bank programs, and regulations were drafted to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as Welfare Reform. TEFAP now operates under revised federal regulations that became effective February 28, 2000.

## SECTION 3 - Definition of Terms and Acronyms

- 3.1 Charitable institution:** An organization which:
1. is public, or private, possessing tax-exempt status; and
  2. is not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and
  3. provides food assistance to needy persons (7 CFR, 251.3).
- 3.2 TEFAP USDA donated foods/USDA donated foods/TEFAP foods:** Foods donated, or available for donation, by USDA under any of the legislation pertaining to 7 CFR, Parts 250 & 251 (7 CFR 250.3).
- 3.3 Primary Contracted Distributing Agency (CDA):** An eligible recipient agency that has entered into a contract with the State for the receipt and distribution of TEFAP USDA donated foods in a designated area, as well as for the receipt of administrative funds.
- 3.4 Demurrage:** A penalty charge assessed for product delayed beyond a specified free time.
- 3.5 Disaster:** Any natural catastrophe which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused. Any other occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe (7 CFR, 250.3).
- 3.6 Disaster organizations** Organizations authorized by appropriate Federal or State officials to assist disaster victims (7 CFR, 250.3).
- 3.7 Distribution site** Location(s) where eligible recipient agencies actually distribute commodities to needy persons for household consumption or serve prepared meals to needy persons (7 CFR, 251.3).
- 3.8 Eligible Recipient Agency (ERA)** An organization which:
1. is public, or
  2. is private, possessing tax-exempt status pursuant to 7 CFR, 251.4, and

3. is not a penal institution, and
4. provides food assistance exclusively to needy persons for household consumption, pursuant to a means test, or predominantly to needy persons in the form of prepared meals, or
5. has entered into an agreement with the State for the receipt of TEFAP USDA donated foods and/or administrative funds, or receives USDA donated foods and/or administrative funds under an agreement with another ERA which has signed an agreement with the State, and
6. fall into one of the following categories: Emergency Feeding Organizations (food banks, food pantries, soup kitchens); charitable institutions (hospitals, retirement homes); summer camps for children or child nutrition programs providing food service; nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly); and disaster relief programs (7 CFR, 251.3).

**3.9 Emergency Feeding Organization (EFO):**

An ERA that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. EFOs have priority over other ERAs in the distribution of TEFAP USDA donated foods (7 CFR, 251.3). The category of EFO excludes such agencies as hospitals, retirement homes, group homes, child and elderly nutrition programs, etc. EFOs do include food banks, food pantries, and soup kitchens. Since there does not exist enough food to meet the needs of all ERAs under the general category, the distinction between ERAs and EFOs and the two-tier priority system were developed to prioritize those most in need.

**3.10 Federal Fiscal Year(FFY):**

The period of 12 months beginning October 1 of any calendar year and ending September 30 of the following year (7 CFR, 250.3).

**3.11 Food bank:**

A public or charitable institution that maintains an established operation involving the provision of food, or the products of food, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis (7 CFR, 251.3).

**3.12 Food pantry:**

A public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than USDA, to relieve situations of emergency and distress (7 CFR, 251.3).

- 3.13 Household:** A group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit, and for whom food is customarily purchased and prepared in common. It also means a single individual living alone (7 CFR, 250.3).
- 3.14 In-kind replacement:** Replacement of lost USDA donated foods with a quantity of the same foods of U.S. origin that are of equal or better quality than the lost foods, and that are of at least equal monetary value to USDA's cost of replacing the lost foods (7 CFR, 250.3).
- 3.15 Local Distributing Agency (LDA):** An eligible recipient agency (food pantry, soup kitchen, etc.) that has entered into an agreement with a Primary Contracted Distributing Agency or a Sub-Distributing Agency (SDA) to receive TEFAP USDA donated food to distribute in a designated service area, and to which no administrative dollars are provided.
- 3.16 Mass Distribution:** Periodic/non-routine distribution of TEFAP USDA donated food into neighborhoods to help meet the needs of low-income families and individuals living in at-risk communities.
- 3.17 Needy persons:** Persons provided service by charitable institutions, who because of their economic status, are in need of food assistance (7 CFR, 250.3).
- 3.18 Network** Permanent/consistent distribution points for food to individuals in need, with a specified time and place for distribution for consistency.
- 3.19 Recipients** The needy persons receiving USDA donated food for household consumption (7 CFR, 250.3).
- 3.20 Sales Order (SO):** A State order number for a specific USDA donated food, designating quantity, delivery period, and destination.
- 3.21 Similar replacement:** Replacement of lost TEFAP USDA donated foods with a quantity of similar foods of U.S. origin of the same types as those normally donated by USDA and of at least equal monetary value to USDA's cost of replacing the lost foods (7 CFR, 250.3).

<b>3.22 Slip sheet:</b>	A piece of cardboard used in place of a pallet to handle unitized commodities, which is floor, loaded with a push/pull attachment.
<b>3.23 Soup Kitchen.</b>	A public or charitable institution that as an integral part of the normal activities of the institution maintains an established feeding operation to provide food to needy persons on a regular basis.
<b>3.24 State Agency</b>	The State government unit designated by the Governor or other appropriate State executive authority, which has an agreement with USDA. In the State of Florida, the Florida Department of Agriculture and Consumer Services is the designated state agency.
<b>3.25 Sub-Distributing Agency (SDA)</b>	An eligible recipient agency that has entered into an agreement with a Primary Contracted Distributing Agency to receive TEFAP USDA donated food and administrative funds for a designated service area.
<b>3.26 Web Based Supply Chain Management (WBSCM)</b>	An integrated Internet-based USDA foods acquisition, distribution, and tracking system.
<b>3.27 Acronyms</b>	<ol style="list-style-type: none"> <li>1. FDACS – Florida Department of Agriculture and Consumer Services</li> <li>2. The Bureau – Bureau of Food Distribution</li> <li>3. CDA – Primary Contracted Distributing Agency</li> <li>4. FFY – Federal Fiscal Year</li> <li>5. PO # – Purchase Order Number + Line Item Number</li> <li>6. SO # – Sales Order Number</li> <li>7. DS – Distribution Site</li> <li>8. TEFAP – The Emergency Food Assistance Program</li> <li>9. EFO – Emergency Feeding Organization</li> <li>10. ERA – Eligible Recipient Agency</li> <li>11. FMV – Fair Market Value</li> <li>12. FNS – Food and Nutrition Service of USDA</li> <li>13. FNSRO – Food and Nutrition Service Regional Office</li> <li>14. SDA – Sub-Distributing Agency</li> <li>15. LDA – Local Distributing Agency</li> <li>16. N/D – Notice to Deliver</li> <li>17. NPO – Non-Profit Organization</li> <li>18. TANF – Temporary Aid to Needy Families</li> <li>19. USDA – United States Department of Agriculture</li> <li>20. SNAP – Supplemental Nutrition Assistance Program</li> <li>21. WBSCM – Web Based Supply Chain Management</li> </ol>

## **SECTION 4 - Allocations and Transfers of TEFAP USDA Donated Foods**

### **4.1 - USDA Funding Formula Applied to States:**

The amount of funding provided to each State is based 60 percent on the number of persons in households within the State having incomes below the Federal poverty level and 40 percent on the number of unemployed persons within the State (7 CFR, 251.3). When a TEFAP USDA donated food is available in limited quantities, USDA will allocate such food among the States using allocation percentages, which are based on appropriate participation data for the program designated to receive the USDA Donated Foods (7 CFR, 250.13).

### **4.2 - The Bureau Funding Formula Applied to CDA Regions:**

Donated foods must be distributed only to CDAs that are eligible to receive them (7 CFR, 250.13). Since we moved to a regional distribution model, TEFAP commodities and administrative funds are allocated to each Region using this formula:

80% of the state's poverty and unemployment numbers by county in that region; minus 50% of SNAP participation in that region and 20% of the National School Lunch Program eligible participants in that region.

The Bureau provides each CDA with their annual USDA entitlement funds at the beginning of each FFY. The Bureau recommends that the CDA divide this allocation into quarters. CDAs are provided the opportunity to use their annual allocated funds according to their need; however, the Bureau recommends quarterly requisitions be used to ensure commodities purchases are spread throughout the year.

### **4.3 – CDAs Allocation to SDAs/LDAs in the Region:**

CDAs, in which the Bureau has given delegation of authority to select distribution sites, must ensure that they distribute USDA commodities to their SDAs and LDAs in accordance with the requirements of the two-tier priority system. CDAs must distribute USDA donated foods to SDAs and LDAs that are EFOs first (i.e., organizations such as food banks, food pantries, and soup kitchens, etc., which provide nutrition assistance to relieve situations of emergency and distress of needy persons) (7 CFR, 251.4).

CDAs are required to provide fair shares of USDA donated foods, by type and quantity of item received, to SDAs and LDAs. CDAs must maintain records to demonstrate that over time there is equity in issuance of commodities among all sites.

There is not one specific method to allocate TEFAP commodities or administrative funds to the Regions' counties. Each Region is better equipped to identify the needs of the community and allocate food accordingly.

The Bureau requires CDAs receiving TEFAP USDA donated foods to not distribute such food to ERAs or recipients whose expenditures for food are reduced due to receipt of USDA donated foods (7 CFR, 250.13). This means that CDAs or SDA cannot use TEFAP commodities to meet the food supply needs of the agency's other programs.

The Bureau will routinely inform the CDAs of general USDA purchase information and delivery schedules but no less than quarterly (7 CFR, 250.13). However, the CDAs are responsible for accessing the Web Based Supply Chain Management System (WBSCM) information on a regular basis to determine what TEFAP donated foods have been ordered, amounts, anticipated shipment dates and destination, order status, and if arrived at its destination.

#### **4.4 - USDA Two-tier Priority System Requirements:**

The Federal regulations contain a Two-tier Priority System in the allocation of TEFAP food to ERAs. ERAs that are EFOs have priority in receiving TEFAP food over ERAs that are not EFOs.

When the CDA cannot meet the commodity needs of all ERAs, the CDA must give priority in the allocation of USDA commodities to Emergency Feeding Organizations (EFO). The CDA may concentrate USDA foods resources upon a certain type or types of such organizations, to the exclusion of others (7 CFR, 251.4).

#### **4.5 - State Matching Funds:**

The Bureau must provide a cash or in-kind contribution equal to the amount of TEFAP administrative funds received from USDA and retained by the Bureau for State program costs or made available to ERAs that are not Emergency Feeding Organizations (EFO), as defined in Federal Regulation 7 CFR, 251.3. The Bureau is not required to match any portion of the Federal grant passed through for administrative costs incurred by EFOs or directly expended by the Bureau for such costs (7 CFR, 251.9).

#### **4.6 - Allocation to Avoid Waste:**

TEFAP USDA donated foods must be requested and distributed by the Bureau and by CDAs only in quantities that can be consumed without waste (7 CFR, 250.13). The Bureau must ensure that no CDA receives USDA donated foods in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such USDA donated foods (7 CFR, 251.4).

#### **4.7 - USDA Donated Foods Transfers:**

All transfers of USDA donated foods between like CDAs (i.e., one food bank to another) must have prior approval of the Bureau and must be documented. All transfers of donated foods between unlike ERAs (i.e., schools to charitable institutions) must have prior approval of USDA through the Bureau and must be documented (7 CFR, 250.13 & 251.4). See Appendix–USDA Food Transport Report (FTR)

Transfer of any USDA donated food may be considered under the following circumstances:

- Excessive Inventories - CDA's having inventory exceeding a six month supply or a quantity considered excessive to their needs shall notify the Bureau to authorize transfer of USDA donated food to another CDA to prevent waste or spoilage.
- Voluntary Cancellation or Termination – A CDA that withdraws or is contractually terminated shall transfer its remaining inventory of donated food to another CDA.

After obtaining the Bureau's approval for transfer of USDA donated food, CDAs must:

- mutually agree to the method for physical movement of the USDA donated food involved, and the responsibility for any charges incurred;
- document the transfer activity on the USDA Food Transfer Authorization form, and in their respective Quarterly Inventory Report;

## **SECTION 5 - Eligibility Criteria for Primary Contracted Distributing Agency (CDA), Sub-Distributing Agency (SDA), and Local Distributing Agency (LDA)**

### **5.1 – Contracted Distributing Agency – Definition and Criteria:**

Pursuant to Federal regulation, an organization is eligible to receive TEFAP USDA donated foods for distribution if it meets the following criteria. The organization:

- 1) is public, or
- 2) is private, possessing tax-exempt status pursuant to 7 CFR, 251.5, and
- 3) is not a penal institution, and
- 4) provides food assistance exclusively to needy persons for household consumption, pursuant to a means test, or predominantly to needy persons in the form of prepared meals, and
- 5) has entered into an agreement with the State for the receipt of USDA donated foods and administrative funds, and
- 6) falls into one of the following categories: emergency feeding organizations (food banks, food pantries, soup kitchens); charitable institutions (hospitals, retirement homes); summer camps for children or child nutrition programs providing food service; nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly); and disaster relief programs (7 CFR, 251.3).

The CDA must have the Bureau approved inventory control and accountability system in place prior to actually handling TEFAP USDA donated foods, which must be maintained continuously at all points of commodity receipt and distribution.

The CDA must have a Bureau-approved system to ensure that USDA donated foods are distributed in accordance with Federal and State TEFAP laws, rules, regulations, policies and procedures.

The Bureau shall consider the past performance of potential CDAs when determining the Eligibility for participation (7 CFR, 250.11).

The Bureau may impose additional requirements for participation that does not violate the provisions of Federal regulation (7 CFR, 250.2).

### **5.2 - Tax-Exempt Status:**

Organizations that are organized and operated exclusively for religious purposes are automatically tax-exempt, according to the Internal Revenue Code. USDA does not require these organizations to obtain tax-exempt status to be eligible as an ERA (7 CFR, 251.5).

Organizations that are not organized and operated exclusively for religious purposes are required to obtain tax-exempt status. Organizations that have applied for, but not yet obtained, tax-exempt

status may participate in TEFAP for 180 days, with a possible 90-day extension, if the organization can show good faith in its attempt to obtain tax-exempt status (7 CFR, 251.5).

### **5.3 – Sub Distribution and Local Distributing Agencies:**

Sub-distributing Agencies (SDAs) and Local Distributing Agencies (LDAs) are also considered ERAs and must meet eligibility criteria as in the definition of a CDA.

Federal regulation allows the Bureau to delegate to CDAs the authority to determine if organizations meet Federal and State criteria to receive commodities and administrative funds in order to become distribution sites. CDAs must ensure that their SDAs and LDAs meet the established criteria as outlined above. CDAs, however, are not granted authority to establish eligibility criteria (7 CFR, 251.5).

## **SECTION 6 - Contracts and Agreements**

### **6.1 - Agreement between USDA and the Bureau:**

In Florida, TEFAP administration is the responsibility of the Bureau, which entered into an agreement with the United States Department of Agriculture. As such, the Bureau is designated as the State agency responsible for entering into contractual relationships for the receiving, warehousing, and distribution of TEFAP commodities (7 CFR, 251.2).

### **6.2 - Agreements between the Bureau and CDAs:**

The Bureau may establish agreements with public and private non-profit agencies or organizations to function as a distribution network for USDA donated foods. A formal agreement/contract with the Bureau authorizes them to receive and distribute TEFAP food in a specific region of Florida. The Bureau must have current agreements with CDAs in order for CDAs to receive TEFAP food and/or administrative funds. Agreements may be considered permanent (with amendments) and may be terminated for cause by either party with a 30-day written notice (7 CFR, 250.12 & 251.2).

Agreements between the Bureau and CDAs must include:

- a statement that the CDA agrees to operate in accordance with requirements of 7 CFR, 251.2 and pertinent policies, rules and regulation, and this manual;
- the name and address of the CDA receiving commodities and/or administrative funds (7 CFR, 251.2);
- specific identification of each function for which the CDA is responsible and written requirement that the CDA perform these functions in accordance with 7 CFR, 251.2 and pertinent policies, rules and regulation and this manual;
- specific terms and conditions for the CDA to distribute food and/or administrative funds to another ERA, when the Bureau allows them to do so, along with a list of specific organizations or types of organizations eligible to receive food or funds (7 CFR, 251.2).

CDAs must provide, on a timely basis, by amendment to the agreement, any changed information in program administration, including, but not limited to, any changes resulting from amendments to Federal regulatory requirements and policy and changes in site locations (7 CFR, 250.12).

The Bureau must have written contracts/agreements with all storage facilities, carriers, and other entities that deal with USDA donated foods provided to the State of Florida (7 CFR, 250.12).

### **6.3 - Agreements between CDAs and SDAs/LDAs:**

Primary Contracted Distributing Agencies (CDA) are ERAs that have contracts directly with the Bureau and are authorized to enter into agreements or contracts with other organizations to perform TEFAP functions. Organizations that operate under CDAs are also ERAs, but are more commonly known as Sub-Distributing Agencies (SDAs) or Local Distributing Agencies (LDAs). CDAs must have written agreements with their SDAs and LDAs before they can receive TEFAP food and/or administrative funds (7 CFR, 251.2). Note: SDAs receive TEFAP food and administrative funds; LDAs do not receive administrative funds, only TEFAP food. See Appendix-Sample SDA and LDA Agreements)

A CDA may elect to subcontract all or part of its TEFAP storage and distribution services. The CDA must provide a List of Distribution Sites (SDAs/LDAs) to the Bureau initially and subsequently monthly thereafter. See Appendix-Sample Format List of Distribution Sites

Agreements between CDAs and SDAs must include:

- the same provisions in the agreement between the Bureau and CDA mentioned above in Section 6.2;
- a statement that the SDA/LDA agrees to operate in accordance with requirements of 7 CFR, 251.2;
- the name and address of the SDA/LDA receiving commodities and/or administrative funds (7 CFR, 251.2).

CDAs that have agreements directly with the Bureau are responsible for ensuring that their SDAs/LDAs meet all Federal and State program requirements. The CDA is not relieved of any program responsibility by subcontracting. Instead, the CDA becomes responsible for the actions of the subcontractors, in addition to all other implied or designated responsibilities. At the same time, subcontractors are not relieved of the responsibility of contracted performance to the CDA. The Bureau will assess the CDA by issuing a satisfaction survey bi-annually to all SDA(s) and LDA(s). CDAs must have written contracts with all storage facilities, carriers, and other entities that deal with TEFAP USDA donated foods (7 CFR, 250.12).

#### **6.4 - Transfer of Responsibility:**

The following procedures apply to any change or transfer of CDA responsibility:

- A request for transfer or termination of contractual obligation may originate with either party.
- The Bureau will review and approve, or deny the change or transfer.
- For approved transfers of CDA responsibility, the first consideration will be the provision of continuity of service to recipients to the extent possible. Since contracts are designated for a specified timeframe which include a 30-day notice termination clause, the Bureau may request that the existing contract stays enforced until the CDA is replaced with a new CDA and a contract is signed.
- In situations where the Bureau deems it to be in the program's best interest, the Bureau may provide a 30-day notice of contract termination to the CDA, or order an immediate termination of the contract.
- Any new CDA must have a signed agreement with the Bureau in order to receive TEFAP foods (7 CFR, 250.12 & 251.2).
- Quantities received by the new CDA on transfer of entitlement must be approved by the Bureau and have backup documentation to include verified physical totals.

## **SECTION 7 - Eligibility Criteria for Recipients**

### **7.1 - The Bureau's Responsibility:**

The Bureau must establish uniform statewide criteria for determining the eligibility of households to receive food provided under TEFAP legislation for home consumption. Criteria must include:

- (1) income-based standards and the methods by which households may demonstrate eligibility under these standards; and
- (2) a requirement that households reside in the geographic location served by the State agency at the time of applying for assistance (7 CFR, 251.5). Length of residency in geographic location must not be used as a criterion of eligibility (7 CFR, 251.5).

### **7.2 - CDA Responsibility:**

Donated foods must be distributed only to recipients who are eligible to receive them (7 CFR, 250.13).

The Bureau must impose upon CDAs the responsibility for determining that recipients to whom SDAs/LDAs distribute donated foods are eligible (7 CFR, 250.11).

### **7.3 - Household Eligibility Criteria:**

A household may be eligible for TEFAP USDA donated food by signing a self-declaration statement declaring that the total household income is at or below the current TEFAP Income Eligibility, which is 130% of the current Federal poverty income guideline criteria established for the number of persons in the household. In determining income eligibility, gross (before deductions) household income must be used. Recipients must also live within the geographic service area of the distribution site.

Household eligibility may be determined using biweekly, bimonthly, monthly, or annual income. Eligibility may occur during any month that the recipient meets the Bureau's established income guidelines. Eligibility may also occur based on annual income, even if the current month's earnings exceed the monthly income guideline.

To determine if total household income is at or below 130% of poverty level for the number of persons in the household, the CDA **must** use the current income eligibility chart issued by the Bureau annually. The CDA is responsible for providing the information to its SDAs and LDAs. See Appendix -Current Income Eligibility Chart

For purposes of calculating TEFAP income eligibility, the following sources are not considered income for eligibility:

- Student aid assistance received from a program funded by Title IV;
- Employer or union-paid noncash benefits, such as health insurance, food, or rent received in lieu of wages, etc.;
- Value of non-cash benefit programs such as Medicare, Medicaid, SNAP/food stamps, school lunches, housing assistance, etc.;

- Loans from financial institutions such as banks. These funds are only temporarily available and must be repaid;
- The value of in-kind compensation allowances, such as military base housing allowance, or subsidized medical and dental services;
- Payments for support services or expense reimbursement made under any program under the auspices of the Domestic Volunteer Service Act of 1973
- Earned income credit from the Internal Revenue Service is not fixed income. Households with earned income credit can receive commodities for up to one year.

#### **7.4 - Additional Recipient-eligibility Criteria:**

The Bureau allows additional requirements for participation, as long as they are not inconsistent with Federal provisions (7 CFR, 250.2). Participation in any one of the following programs also qualifies a household to receive TEFAP commodities (household is **not** required to show documentation or proof of participation):

- Supplemental Nutrition Assistance Program (SNAP), fka Food Stamps Program
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Medicaid

#### **7.5 – Eligibility Certification Period:**

A household’s certification of eligibility is valid for one (1) year and may be renewed as needed, unless circumstances change so as to make the household ineligible.

#### **7.6 – Approved Certification Form:**

SDAs/LDAs issuing TEFAP foods for home consumption may use the Certification of Eligibility to Take Food Home Form to establish the household’s eligibility to receive TEFAP foods. If the SDA/LDA develops its own certification form, it must contain the same information and disclosures. See Appendix – Certification of Eligibility to Take Food Home Form

ERAs may not establish additional criteria or request additional information or data for determining eligibility to take TEFAP food home. Any requests for other information or data, not specifically required for eligibility to receive TEFAP foods, must be made on a separate form that is clearly identified as “NOT required to receive TEFAP food”. The ERA must maintain a copy of the eligibility certification form and corresponding income scale chart on file for three (3) years following the close of the federal fiscal year to which they pertain (7 CFR 251.10).

#### **7.7 – Authorized Representative**

A household may specify in writing: a third person to complete the certification form, or other eligibility documentation and/or pick up TEFAP food for the household. This authorization can be completed in the Optional section of the certification form or submitted separate but maintained as part of the applicant’s file. The authorization may be for a specific distribution(s) or for the duration of the eligibility certification.

#### **7.8 - Congregate Feeding Agency Recipient Criteria:**

LDAs providing prepared meals (soup kitchens) must demonstrate to the CDA that they serve predominantly needy persons. Federal regulations prohibit the Bureau from requiring a means test of income eligibility. The Bureau may require a higher standard than “predominantly” and may determine whether organizations meet the applicable standard by considering socioeconomic data on the area in which the organization is located, or from which it draws its clientele (7 CFR, 251.5).

It shall not be deemed a failure to comply with federal regulations if LDAs serve meals that contain donated foods to non-eligible people if the non-eligible people share common preparation, serving, or dining facilities with eligible people, as long as the non-eligible people are common beneficiaries with the eligible people of the program, or the non-eligible people are few in number compared to the eligible people and receive meals as an incidence of their service to the eligible people, i.e., relief workers, teachers, etc. (7 CFR, 250.13).

**7.9 – Activities Unrelated to Food Distribution:**

Activities unrelated to the receipt of TEFAP food may not be conducted at sites unless participation in such activities is expressly identified as being separate and apart from food service or distribution involving TEFAP food, and not required in order to receive such TEFAP food or meals that contain them (i.e. require eligible persons to attend religious services; political rallies and meetings; participate in a religious practice or service; join or support a religious organization or group for any particular cause in order to receive a TEFAP distribution or meal).

Under no circumstance shall eligible recipients be required to make payments in money, materials, or services for the receipt of TEFAP food. Additionally, recipients **shall not** be solicited to volunteer their services or asked for donations during the distribution of TEFAP foods.

## **SECTION 8 - Distribution Guidelines and Procedures**

### **8.1 - State Distribution Plan:**

The Bureau submits a TEFAP Distribution State Plan to the Food and Nutrition Services Regional Office (FNSRO). The plan includes, but is not limited to:

- A designation of the State agency responsible for distributing USDA commodities and administrative funds, with the agency address;
- A plan of operation and administration to expeditiously distribute USDA commodities;
- A description of the standards of eligibility for recipient agencies, including any sub-priorities within the two-tier priority system;
- A description of the criteria established by the Bureau that must be used by CDAs to determine the eligibility of households to receive USDA commodities (7 CFR, 251.6).

### **8.2 - Frequency and Rate of Distribution:**

The CDA will develop their own distribution rates for their region instead of the Bureau. In an effort to close the food insecurity gap, established networks are the preferred method of distribution. Mass distribution will be limited for TEFAP food distribution within a service area.

A CDA serving counties other than the county where its warehouse or storage facilities are located shall provide delivery of TEFAP foods to readily accessible locations throughout its designated service area on a regular basis, but no less than quarterly.

CDAs are responsible for distribution of TEFAP foods to SDA(s) and LDA(s). The CDA shall make every effort to meet the SDA and LDA needs, so as to ensure no additional hardship or expense to the SDA and/or LDA.

CDAs shall distribute TEFAP foods so as to adequately serve the largest possible number of SDA(s) and LDA(s) in a Region, particularly in rural areas. CDAs will ensure all SDA(s) and LDA(s) distributions occur at locations in which food is consistently available to the community (i.e. food pantries, soup kitchens).

If a CDA, SDA, or LDA will operate mobile food pantries, information on scheduled distribution dates, times, and locations shall be available to the state agency upon request. Mobile food pantries shall be operated in a method in which eligible recipients can rely on a stable food distribution system with consistency in scheduling and availability.

CDAs may allow SDAs and LDAs to use their discretion in the number of distributions they feel are needed per month. However, the frequency of distribution must be at a minimum quarterly.

For each food distribution, the CDA, SDA, and LDA shall follow the guidelines, and retain the documentation required by federal and state regulations, policies, procedures, or rules.

### **8.3 – SDA and LDA Distribution Procedures:**

TEFAP distribution sites must be open to the general population. Sites that limit participation or attendance to only their members may not be TEFAP distribution sites.

Proof of household income shall not be required in order for an eligible recipient to receive TEFAP food. The SDA may require further eligible recipient information for use with other programs. However, eligible recipients shall not be denied TEFAP food if they refuse to reveal any information that is not a requirement of TEFAP (e.g. social security number, household income documentation, etc.).

While the SDAs/LDAs may require additional recipient information for use with other programs, the CDA must ensure that these agencies inform eligible recipients, in writing and/or have visible signs posted, that this information is not required to receive TEFAP food.

#### **8.4 - TEFAP Distribution in Conjunction with Other Programs:**

ERAs may distribute TEFAP food simultaneously with other programs, as long as the site is open to the general public, and access is not limited to specific individuals. TEFAP recipients must meet the eligibility criteria; have a signed TEFAP Certification Eligibility Form on file and signed the monthly Household Food Distribution Log. See Appendix - Sample Household Food Distribution Log

CDAs must incorporate at least 30% of the total number of pounds of donated foods distributed annually from sources other than the USDA. ERAs may incorporate the distribution of foods that have been donated by charitable organizations or other entities with the distribution of USDA foods, or distribute them separately (7 CFR, 251.4).

#### **8.5 - Required Civil Rights Poster Display:**

The “And Justice for All.” poster must be posted at each distribution site in clear view of all TEFAP recipients.

The TEFAP Eligibility Guidelines charts may be prominently posted at each household distribution site as a reminder for eligibility and should be posted at the point of sign-up for TEFAP commodities pickup.

#### **8.6 – TEFAP Eligibility Certification Form and Household Food Distribution Log:**

Each ERA must collect and maintain on record, for each household receiving TEFAP commodities for home consumption, the name and signature of the household member receiving USDA donated foods, the address of the household\* (to the extent practicable), the number of persons in the household, and the basis for determining that the household is eligible to receive commodities for home consumption (7 CFR, 251.10). TEFAP Certification of Eligibility form and a Household Food Distribution Log satisfy these Federal requirements. The Eligibility Certification Form and the log must be maintained on file at the distributing ERA, either electronically or in hardcopy.

\*Post office box numbers are adequate for rural areas. If the recipient is homeless, the nearest cross-streets of his/her most recent habitat are sufficient.

By signing the Certification of Eligibility to Take Food Home Form, recipients are certifying, under penalty of perjury, that they are income-eligible to receive USDA donated foods according to the TEFAP eligibility guidelines, and that they reside in the distribution site’s service area. Recipient’s signature also attests their agreement that USDA donated foods are for personal home

use and, therefore, must not be sold, traded, or given away (7 CFR, 250.13 & 251.4). If a recipient is incapable of signing their name, distribution site staff or volunteer may sign for the recipient who would then mark an “x” or other mark on the signature line.

### **8.7 - Unrelated Activities:**

Unrelated activities may be conducted at distribution sites as long as:

- the person conducting the activity makes it clear that the activity is not part of TEFAP and is not endorsed by the USDA;
- information not related to TEFAP is not placed in or printed on TEFAP distribution containers;
- the person conducting the activity makes it clear that cooperation is not a condition of receipt of TEFAP commodities, e.g., attending religious services, contributing money, signing petitions, or conversing with the people;
- the activity does not disrupt distribution of TEFAP commodities (7 CFR, 251.10).

CDA, SDA and LDA personnel are responsible for ensuring that activities unrelated to the distribution of USDA commodities are conducted in a manner consistent with the above conditions (7 CFR, 251.10).

Agencies found in violation of the policies regarding unrelated activity in this section are subject to termination from further TEFAP distributions (7 CFR, 251.10).

Federal, State, or local government program(s) material or information may be deemed related to TEFAP if it is directed toward services for the needy.

### **8.8 - Civil Rights:**

There must be no discrimination in the distribution of foods donated under this part because of race, color, national origin, sex, age, or handicap (7 CFR, 251.10).

Every year, or more frequently when deemed necessary, the ERAs must notify the public, including minority and grass roots organizations in their service area, of the availability of TEFAP distributions in their area and eligibility requirements for the program (FNS Instruction 113).

All FNS assistance programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint (FNS Instruction 113-1, Section IX PUBLIC NOTIFICATION).

- Basic Elements of Public Notification. The public notification system must include the following three basic elements:
  - Program Availability. Each State agency, local agency, or other sub recipient that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of program availability. Changes in location of TEFAP distributions, times of service, or any significant

program changes must be transmitted to potential TEFAP participants as appropriate and in a timely manner (i.e. by posting information on the agency's website, doing press releases, posting days and hours of operation in a clearly visible place, or thru local Assistance Directories such as 211, etc.).

- Complaint Information. Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- Nondiscrimination Statement. **All** information materials and sources, including Web sites, used by FNS, State agencies, SDAs, or LDAs to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information or Website. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

**Non-Discrimination Statement is:**

“In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.”

Applications and agreements made by the CDA with individuals or organizations for TEFAP distribution must contain a statement that the distribution site cannot discriminate in handing out TEFAP food (FNS Instruction 113).

## **SECTION 9 - USDA Food Ordering and Receiving**

### **9.1 - CDA WBSCM Ordering from USDA**

CDAs are responsible for placing requisition for USDA foods in the Web-Based Supply Chain Management (WBSCM) system for entitlement and bonus foods.

### **9.2 – USDA and the Bureau’s Computer Programs**

CDAs are required to use the Florida Automated Nutrition System (FANS) and Web Based Supply Chain Management (WBSCM) at their own expense, to monitor reports of allocations, shipments and receipts of TEFAP foods; acknowledge receipt of direct shipments from USDA vendors; and place requisitions orders for TEFAP foods.

### **9.3 - Shipping**

USDA commodities are directly shipped to CDAs and/or SDAs from USDA.

### **9.4 - USDA Distribution Schedules:**

The Bureau will notify CDAs of general USDA purchase information (at least quarterly), the Bureau’s anticipated delivery schedule with types and quantities (at least quarterly), and changes in delivery schedules (7 CFR, 250.13).

### **9.5 - USDA Delivery Notification:**

USDA will notify the CDA of pending deliveries at least 24 hours prior to delivery. The delivery time set will generally be a two-hour window to allow for any unforeseen delays. CDAs should make a concerted effort to off-load commodities as soon as the carrier arrives, so that subsequent deliveries may be made as scheduled.

Generally, a trucking company, without additional charge, often prearranges schedules for specific arrival time of vehicles for unloading at CDA’s premises. To do so, benefits both truckers and receivers, although a trucking company has no obligation to make these appointments. When a trucker calls to arrange a specific unloading time, the time arranged is at the trucker’s option, or by mutual agreement between the trucker and the CDA. If the CDA does not give appointments, be aware that the trucker’s free time begins when the truck arrives at the CDA. If not unloaded in time, demurrage charges may result. Those charges will be the responsibility of the CDA and must not be claimed as a TEFAP program expense.

### **9.6 - Freight Prepaid:**

Direct shipments from USDA are via commercial carriers and freight is prepaid. CDAs must not pay any charges requested by the driver or other agent of the carrier. CDAs must notify the Bureau immediately of any such request.

Freight is not prepaid if the CDA has accrued a detention demurrage charge or a charge for redelivery. Redelivery occurs when the driver is asked by the CDA to deliver the load to a destination other than the destination listed on the delivery order (DO).

### **9.7 - Bills of Lading (BOL):**

All USDA shipments are made on commercial bills of lading. The bill of lading is the primary document on which all verifications of delivery, condition of USDA foods upon receipt, and USDA foods counts must be recorded. Truckers and trucking companies are paid via signed bills of lading that serve as proof the load was delivered.

### **9.8 - Receipt Procedure:**

Responsibility for USDA donated foods passes to the CDA at the time the products are unloaded. The CDA must carefully check each shipment while unloading to ensure that complete delivery is made, it is in good condition, and any overage, shortage, or damage is properly reported and documented on the bill of lading (BOL). Failure to do so may result in a CDA being held liable for out of condition commodities, even though the damage may have occurred during shipment.

When the driver arrives with USDA donated foods, and before the driver leaves, the CDA must:

- Inspect each shipment carefully as soon as possible after placement for unloading to determine its count and condition.
  - If inspection indicates that some of the TEFAP Foods in the shipment are out-of-condition, or if there is only a minor discrepancy from the quantity of TEFAP Foods ordered, the CDA/SDA has two choices:
    1. Accept the entire shipment and segregate any out-of-condition USDA Foods and later notify the Bureau of the out-of-condition foods, as applicable, which must in turn notify SERO and file a complaint in WBSCM or
    2. Immediately notify the Bureau of the out-of-condition foods upon receipt, requesting permission to refuse that part of the shipment. The Bureau will immediately notify SERO and file a complaint in WBSCM. SERO will make the final disposition on determining the course of action.
  - The CDA must annotate in WBSCM the delivery problem as a contracting matter.
- Sign and date the bill of lading to acknowledge receipt of all items physically received, including product rejected as being out of condition, as well as product received in good condition. Do not sign or initial the bill of lading before determining whether there is damage to and/or whether there is a shortage or overage of the delivery.
- Discrepancies must be documented on all copies of the bill of lading before the delivery vehicle is released. Once the bill of lading is signed, transfer of responsibility for USDA foods is final, and the CDA is considered responsible for the condition and number of such foods. However, latent product defects observed by the CDA after acceptance of shipment must be reported to the Bureau of the out of condition foods, which in turn will be reported to SERO, and a complaint file in WBSCM.
- Record the shipment goods receipt in WBSCM within 48 hours after receiving shipment. The goods receipt must indicate the quantity received in good condition and, if applicable, the quantity received damaged or rejected. If CDA is unable to receipt shipment in WBSCM, they should email the bill of lading to the Bureau as soon as possible but prior to 48 hours deadline.

### **9.9 - Receiving Location:**

CDAs must notify the TEFAP Coordinator of any change in receiving location no later than 60 business days before the scheduled delivery. The Bureau TEFAP Specialist will notify USDA of the change for approval. Costs incurred as a result of CDA's failure to make timely notification will be charged to the CDA.

Carriers will not deliver to a receiving location that is not shown on the bill of lading without prior authorization from the Bureau.

Receiving locations must be prepared to off-load at the appointment time, with the proper equipment and off-loading labor, within the allotted timeframes.

An industry-wide practice is that receiving locations should have acceptable pallets on hand for exchange. Either party, shipper or receiver, has the right to refuse exchange if replacements are not acceptable. If an exchange offer is refused, off-loading will include transfer from the shipper's pallets to the receiver's pallets by the receiver.

### **9.10 - Unloading Palletized Loads:**

CDAs are responsible for unloading palletized loads, even if they do not have the proper equipment to handle the pallets.

USDA allows up to two hours free time to unload full and split palletized loads from trucks.

### **9.11 - Unloading Slip-sheeted Loads:**

CDAs should inquire at the time of delivery scheduling if any USDA direct shipments are slip sheeted (non-palletized), rather than palletized. Dry cereal is often sent on slip-sheets. CDAs are responsible for providing the proper equipment and off-loading labor for handling slip-sheeted loads.

USDA allows up to six hours free time to unload full and split slip-sheeted loads from trucks.

CDA may request reimbursement for costs associated with restacking items that arrive not palletized or pallets that arrive poorly stacked if appropriate documentation, including photographs, is provided via the Bureau to the SERO **before the shipment is accepted.**

If a CDA requests or requires a driver to restock product onto pallets or perform any service in relation to unloading, the CDA should be aware that the driver will normally charge for the service and that the CDA will be responsible for any restocking or unloading charges.

### **9.12 - Dunnage:**

Packing and materials used to protect commodities during shipping must be removed and disposed of by the CDA.

### **9.13 - Free time:**

USDA may make exceptions for additional free time. Free time allowance is computed from the time of arrival or time of scheduled unloading, whichever is later. Allowance for lunch is not

normally given. In the event the carrier should allow less time than the free time established, USDA will pay the difference. Bills for such charges should be sent to the Bureau. The Bureau will review the bill and file the claim through the appropriate FNS Regional Office.

If the CDA takes more time to unload a truck than the USDA free time allowance, demurrage charges will be billed to the CDA. Charges may be due, even if the delivery arrives with no advance notice.

If the trucker is unable to unload or deliver the product, the trucker has the right and obligation to protect the product by placing it in storage, if necessary. The time the driver is allowed to do so is at the trucker's option, but it is generally only done as a last resort. As with making appointments, tariff rules set out the amount of time a carrier will allow to elapse before exercising this option. If the carrier has no tariff rules established to cover its inability to deliver for whatever reason, 'reasonable' timeframes govern.

#### **9.14 - Detention Records:**

In the case where a truck is detained due to either the driver or the CDA, the following records must be maintained by the CDA:

- USDA Donated Food identification;
- Purchase order number, contract number, or Sales Order number;
- Name of trucker;
- Truck or trailer number or license plate;
- Date and time of driver's notification of the arrival of the vehicle for unloading;
- Date and time unloading began;
- Date and time unloading was completed;
- Date and time vehicle was released for departure by the CDA;
- Total gross weight of freight unloaded;
- Date and time agreed upon for arrival of the truck if delivery was made under a prearranged schedule.

#### **9.15 - Damaged Shipments:**

When a shipment is delivered of which all or a portion appears to be off-grade, out-of-condition, or damaged, the CDA must do the following:

- 1) Call the Bureau BEFORE accepting the shipment to report the facts of the condition of the shipment and to receive disposition instructions from the Bureau.
- 2) If directed by the Bureau, obtain an inspection by a qualified person. If the findings of the inspection confirm those of the initial examination, hold the shipment and report the full details immediately to the Bureau by telephone.
- 3) Fax or Email BOL immediately to the Bureau. Record on the bill of lading a description of the problem.
- 4) Report the following information:

- Purchase order number, contract number, and Sales Order number
  - Truck/trailer identification;
  - Name of shipper, origin, and date of shipment;
  - Quantity and description of food in the shipment;
  - Date and time shipment received;
  - Specifically, the problem and the quantity affected;
  - Current status (unloaded, trailer left warehouse, etc.)
  - Cause of condition, only if the cause is obvious (i.e., damaged container, fire, temperature unit not operating, etc.);
  - Protective services provided;
  - Name, title, and phone number of person who made the inspection. Note if inspection report was prepared. If so, forward a copy of report with CRR;
  - Name and location of carrier's agent who was notified, along with the agent's response, including the time and date, and name of person making the notification;
  - Specific location;
  - Person and phone number to contact regarding shipment.
- 5) Since damage cannot be determined from outside the carrier, unloading documentation and seal records must be maintained by all stop-off CDAs at all times. This documentation is required to support a claim for loss.

#### **9.16 - Short or Over Shipments:**

If a delivered shipment has a shortage or overage, the CDA must do the following:

- 1) Record on the bill of lading the exact amount of the USDA donated food shortage or overage.
- 2) Report the following information:
  - Delivery order number, contract number, and Notice of Delivery number;
  - Truck/trailer identification;
  - Name of shipper, origin, and date of shipment;
  - Quantity and description of food in the shipment;
  - Date and time shipment received;
  - Specifically, the problem and the quantity affected;
  - Current status (unloaded, trailer left warehouse, etc.)
  - Cause of condition, only if the cause is obvious (i.e., damaged container, fire, temperature unit not operating, etc.);
  - Protective services provided;
  - Name, title, and phone number of person who made the inspection. Note if inspection report was prepared. If so, forward a copy of report with CRR;
  - Name and location of carrier's agent who was notified, along with the agent's response, including the time and date, and name of person making the notification;
  - Specific location;
  - Person and phone number to contact regarding shipment.
- 3) Fax or Email BOL immediately to the Bureau and await instructions.

- 4) Unloading documentation and seal records must be accurately annotated at all destination stops to identify discrepancy location when the expected and delivered quantities don't match. This documentation is required to support any claim for loss.
- 5) The Bureau will notify SERO, of any shortages of the quantity ordered to address the need for additional TEFAP Food or entitlement credit.

### **9.17 - Split Shipments:**

A split shipment is a single truckload with more than one delivery destination scheduled. If the load arrives improperly braced, it is the CDA's responsibility to properly brace shipments, repair, level off, or install new bracing between multiple receiving points. However, if a split shipment is not properly braced upon delivery to a stop-off point, the intermediate CDA(s) must repair the bracing or level off the load.

Doorway protection must be provided at the stop-off point when there is a possibility of commodities falling, shifting, or rolling out the doorway.

If a split shipment is made in a temperature-controlled car, the stop-off CDA(s) must make sure that the refrigeration remains turned on during unloading and is on before the truck proceeds to the next destination. Temperature at time of arrival and time of departure must be recorded.

The stop-off CDA is responsible for resealing the truck or trailer. CDAs must place and record seals on the outbound shipment from the stop-off point.

Additional cost or time for unloading damaged, shifted, or jumbled products should be documented in the CDA's records.

When shortages in split shipments are reported at a final destination only, the stop-off CDA must provide the Bureau with proof of the following when the truck departed their facility:

- Quantity unloading documentation, or a statement supporting the unloaded quantity reported;
- Complete inbound and outbound seal numbers;
- Location where unloading was performed;
- Protection and supervision given to the carrier during unloading.

Issues related to resealing, such as broken or lacking seals, should be referred the Bureau, who will notify SERO.

### **9.18 – CDA Transportation and Delivery**

CDAs must own, lease, or have access to a sufficient number of delivery vehicles (enclosed and secure) to adequately serve their region. Delivery vehicles include van or panel trucks, refrigerated vehicles, etc. in sizes capable of unloading at large and small sites.

**9.19 – SDAs/LDAs Receipt of TEFAP Foods**

SDAs/LDAs must sign a receipt for any TEFAP foods received. The receipt must include the number of cases of each type of food, the name of the agency receiving the food, date, and recipient's signature. A copy of the signed receipt must be maintained by both the SDA and LDA for their file.

## **SECTION 10 - Receiving Local Donations into TEFAP**

### **10.1 - Local Donations**

CDA's are encouraged to solicit local donations to supplement foods provided by the USDA. At least 30% of the total number of pounds of donated foods distributed annually by the CDA shall be from sources other than the USDA.

### **10.2 - Receipt and Distribution Procedure:**

CDA's are **not** required to obtain approval before accepting local donations and counting them as TEFAP inventory. However, the Bureau reserves the right to reject items that are not nutritious and wholesome to be counted as TEFAP inventory.

Local donations that CDA's inventory as TEFAP product must be treated like TEFAP product, which cannot be sold, bartered, or traded.

Local donations that CDA's inventory as TEFAP product may be distributed with USDA foods, or in conjunction with other programs. However, all guidelines and procedures outlined for the distribution of USDA foods must be followed in the distribution of these products.

## **SECTION 11 - Storage of TEFAP Commodities**

### **11.1 - Federal Regulatory Storage Requirements:**

CDAs, SDAs, and LDAs must provide facilities for the handling, storage, and distribution of donated foods which:

- are sanitary and free from rodent, bird, insect and other animal infestation;
- are safeguarded against theft, spoilage, damage and other loss;
- maintain foods at proper storage temperatures;
- stock and space foods in a manner so that USDA-donated foods are readily identified;
- store donated food off the floor in a manner to allow for adequate ventilation;
- take other protective measures as may be necessary (7 CFR, 250.14).

The Bureau and ERAs must make sure that storage facilities have any Federal, State, and local health inspections and approvals that are required and that all are current (7 CFR, 250.14). ERAs should check within their county for required inspections and approvals.

### **11.2 - Specific Storage Requirements:**

CDAs, SDAs, and LDAs must adhere to the following storage requirements, as specified by the Bureau per Florida State Health, Fire and Safety Codes:

- All food must be stored, transported, and served so as to be pure, free from contamination, adulteration and spoilage, and protected from pests;
- Food facilities must at all times be so constructed, equipped, maintained, and operated as to prevent the entrance of rodents, insects, etc.;
- Food facilities must be kept clean and free of litter, rubbish, contaminants, and pollutants;
- Food must be stored under climate-controlled conditions, in accordance with the following general storage temperature guidelines;
  - Dry items (Regular): Ambient temperature in well ventilated space. Recommended less than 80°F. This applies to all canned USDA foods.
  - Dry items (Special): 50° F to 70° F at 50% humidity or less. This includes all beans, pasta, grains, powdered food items, etc.
  - Frozen Foods: -10° F to 0° F
  - Chilled Foods: 35° F to 41°F
- Monitoring and recording temperatures in all storage areas should be done 7 days a week, 365 days a year, and retain for three (3) years after the end of the fiscal year to which they pertain.
- Storage space must be adequate for the receipt, storage, and distribution of all TEFAP foods
- Store donated food in a manner to allow for adequate ventilation.

When not palletized, food must be stored off the floor, e.g., on shelves, racks, 2" by 4"s, or larger wooden boards;

- All food products must be stored away from non-food items that may contaminate food, such as cleaning products, insecticides, rat poison, etc.;
- CDAs must implement a system of stock rotation that assures the oldest stock is issued to recipients before more recent stock is issued;

- CDAs must implement an inventory procedure to monitor physical count and condition for all movement of TEFAP food in and out of storage locations;
- CDAs must ensure that annual fire safety and health inspections are conducted as required, and that documentation is available during review.

### **11.3 - Commercial Storage Facilities:**

If local storage of TEFAP food for a CDA is furnished by a commercial warehouse, it must be formalized by a written contract. A copy of the written contract must be submitted to the Bureau within 60 days of the effective date.

Contracts with storage facilities must contain, at a minimum:

- assurance that the storage facility will be maintained in accordance with the specifications in 11.2 above;
- evidence that donated food will be clearly identified;
- assurance that annual physical inventory will be conducted and inventory records maintained;
- beginning and ending dates of contract;
- provision for immediate termination of contract due to non-compliance;
- provision for termination of contract for cause by either party upon 30-days written notice;
- amount of insurance coverage for stored food items;
- express written consent for inspection and inventory by the Bureau, CDA, the Comptroller General, or the USDA (7 CFR, 250.14).

## **SECTION 12 - Inventory**

### **12.1 - Records:**

CDAs must maintain records to document the receipt, disposal, and inventory of TEFAP foods received (7 CFR, 251.10).

CDAs must maintain accurate and complete records with respect to the receipt, distribution/disposal, and inventory of USDA donated foods; and with respect to any funds that arise from the operation of the distribution program. All entities that contract or have an agreement with CDAs must also maintain such records (7 CFR, 250.16).

The Bureau's required Quarterly Inventory Report (QIR) documents the CDA's TEFAP receipts and ending inventories, while the Monthly Distribution Report (MDR) documents amount of food distributed to their regions by counties.

The Quarterly Inventory Report (QIR) documents CDAs' TEFAP food only and includes not only food stored at the CDAs but also food stored at their region's SDAs and LDAs.

CDAs are responsible for documentation of the physical movement and receipt of all USDA donated food between the CDA locations, and SDAs and LDAs.

### **12.2 - Review of Storage Facilities:**

CDAs must review their storage facilities annually at a minimum. Reviews must include a physical inventory, which must be reconciled with the storage facility's inventory records and maintained on file with the CDA. Food items found to be lost, stolen, or out-of-condition must be identified during the inventory and reported by the CDA to the Bureau. Potential excessive inventory must also be reported to the Bureau by the CDAs. Documentation shall be maintained at the Bureau to reflect compliance, including documentation of corrective actions in case of non-compliance. Corrective actions should be taken immediately, with results of the corrective actions forwarded to the Bureau (7 CFR, 250.14).

### **12.3 - Excessive Inventory:**

The Bureau must determine if a CDA's inventory is excessive based on the rate of distribution, anticipated distribution, and other concerns such as logistical and economic considerations (7 CFR, 250.14).

There shall be no circumstance where the inventory level of a donated item in storage exceeds a six-month supply, unless the CDA submits justification for additional inventory and obtains approval. CDA must submit justification to the Bureau.

The Bureau shall document all corrective action taken to ensure that excess inventory at all levels is eliminated (7 CFR, 250.14).

### **12.4 - Inventory Shortages:**

In the case of an inventory shortage, the Bureau need not take any further claims actions against the CDA when:

- the loss of any one TEFAP food does not exceed one percent of the total quantity of the donated food distributed or utilized from any single storage facility during the fiscal year in which the loss occurred, or during the period for which an audit was conducted by USDA or the Bureau (as approved by USDA); and,
- the cause of the shortage cannot be established; or,
- the lost USDA donated foods were held in non-commercial storage or other facilities owned or operated by the Bureau or the CDA; or,
- there is no indication that the loss was the result of negligence or continued inefficiency in operations.

The factual basis for not taking action is subject to review by USDA (7 CFR, 250.15).

## SECTION 13 - USDA Donated Food Losses, Spoilage, and Out-of-Condition

### 13.1 - Theft or Vandalism:

CDAs must provide facilities for TEFAP food that are safe against theft and other loss (7 CFR, 250.14). To prevent loss due to theft or vandalism, it is important that storage areas be secured. CDAs must implement procedures and controls to meet security needs according to the accessibility and design of the storage facilities. Control procedures should be open and visible to the public and staff. It is not in a CDA's best interest to "catch" a wrongdoer, as much as it is to "discourage" wrongdoing before it happens.

Upon discovery of a theft or loss due to vandalism or other criminal act, the CDA must:

- 1) notify the Bureau by phone for specific instructions
- 2) complete a USDA Foods Loss Report (FLR), including the following information:
  - type and quantity of product;
  - insurance coverage, including the claim potential;
  - circumstances regarding security at the time of break-in;
  - a copy of the police report;
  - current security status, repairs, and/or action taken;
  - any other information necessary or helpful in making a claim determination;
- 3) fax or email the FLR to the appropriate agency immediately after loss – the Bureau in the case of a CDA, the contracted CDA in the case of a SDA, and the SDA in the case of an LDA. See Appendix - USDA Foods Loss Report (FLR)

### 13.2 - Spoiled or Out-of-condition Food:

If TEFAP donated food goes out-of-condition for any reason, the CDA must:

- 1) set the product aside to isolate it from other product;
- 2) notify the Bureau by phone as soon as the discovery is made;
- 3) complete a USDA Foods Loss Report (FLR), including the following information:
  - type and quantity of product involved;
  - package date and any identification numbers of affected cases;
  - date received at CDA or other receiving location(s);
  - date product condition was detected;
  - name of person who made the discovery;
  - frequency of inventory or product checks by warehouse personnel;
  - temperature of storage location and corrective action taken to prevent further occurrence;
  - any other information that is pertinent to description of loss;
- 4) fax or email the USDA Foods Loss Report to the appropriate agency immediately upon discovery of the loss. **Do not dispose** of out-of-condition food until instructed to do so. USDA food must not be disposed of without approval from the Bureau and USDA (7 CFR, 250.13). See Appendix - USDA Foods Loss Report (FLR)

### **13.3 - Liability:**

The Bureau is required to take action to obtain recovery upon the occurrence of any event creating a claim in favor of the Bureau against a CDA, warehouseman, carrier, or another person, for the improper distribution, use, or loss of, or damage to a USDA donated food (7 CFR, 250.15).

### **13.4 - Replacement by CDA:**

In the event of loss of USDA donated foods due to improper storage, improper distribution and/or use, neglect, or damage at the fault of the CDA, the CDA will be responsible for full replacement of the USDA foods. Replacement may be either food of similar type and quality, or cash payment to TEFAP.

All TEFAP donated food loss must be recorded and reported to the Bureau. All TEFAP donated food loss must be maintained in the CDA's records. Initial notification to the Bureau may be done via a telephone call, forewarning of a TEFAP USDA donated food loss and advising that the written report will follow.

For any loss over \$500 and for those as a result of theft, fraud, embezzlement or willful misapplication, the CDA must file a written USDA Foods Loss Report with the Bureau within 3 to 10 business days after the occurrence of the loss in order to fully satisfy the reporting requirements.

If the value of the loss of TEFAP donated food is more than \$500, the Bureau has the discretion to determine whether or not the CDA must replace the loss, by either similar replacement or cash payment. If the value of the loss of commodities is greater than \$2,500, USDA will determine the CDA's obligation and method of replacement.

CDAs shall be responsible for any improper distribution or improper use of TEFAP foods, or for any loss of, or damage to TEFAP foods caused by the actions, lack thereof, or negligence of the CDA or its SDA(s) or LDA(s).

## **SECTION 14 - Disposal Rules and Procedures**

### **14.1 - Disposal Authorization:**

USDA donated foods must not be sold, exchanged, or disposed of without approval from USDA and the Bureau (7 CFR, 250.13). Therefore, CDAs may not dispose of **any** USDA foods at their own discretion. CDAs must get written authorization from the Bureau to dispose of USDA donated foods.

The same steps mentioned Section 14.2 should be followed to obtain authorization to dispose of USDA foods.

### **14.2 - Disposal Procedures:**

Upon written authorization from the Bureau to dispose of the product, the CDA must either:

- render the affected product unfit for human consumption by mixing it with bleach or burying it in a landfill;
- obliterate any USDA markings if product is salvaged for other use;
- transfer the affected product to a successful bidder or vendor specified by the Bureau or USDA.

If the product will not be donated as livestock feed or transferred to a vendor, the CDA must ensure that affected product is properly disposed of and does not find its way to the general public through scavengers. This also means that affected product must be secure while awaiting disposal authorization and procedures. If affected food does find its way to the general public and proper procedures have not been followed, the CDA may be held liable.

### **14.3 - Disposal Records:**

CDAs must document each authorized disposal on the FLR as to how the food was destroyed. The CDA must maintain a copy of the FLR for inventory audit purposes.

## **SECTION 15 - Records and Reports**

### **15.1 - Required Records:**

CDAs must maintain the Bureau-required fiscal and accounting records documenting the amount of funds received and costs incurred. These records must be maintained in accordance with generally accepted accounting principles.

### **15.2 - Reports Required of SDAs and LDAs:**

Each household distribution site must collect the signature of the household member receiving USDA donated food, address of the household (to the extent practicable), and basis for determining eligibility (7 CFR, 251.10).

### **15.3 - Reports Required of CDAs:**

The Bureau requires CDAs to submit the following reports:

- **Monthly Distribution Report (MDR)**– A monthly report sent to the BFD in an extractable format or Excel consisting of the number of pounds distributed by county of USDA Foods (TEFAP), purchased food, and all other donated food. The final column on the report should be the total pounds distributed. This report must be submitted to BFD no later than 45 days following the end of the month. See Appendix – Monthly Distribution Report (MDR)
- **Quarterly Inventory Report (QIR)** – A quarterly inventory report of all TEFAP foods on hand at their own or contracted facilities at the end of the previous quarter period. It must be submitted in an extractable format or Excel no later than the 30th day following the end of each quarter (January 30th, April 30th, July 30th, and October 30th). The report shall indicate the USDA food code, description, quantity on hand, and received date. The received date shall be the date that the CDA received the product. The report must be submitted in an Excel or similar extractable format. See Appendix – Quarterly Inventory Report (QIR)
- **CDAs List of Distribution Sites**- a monthly updated SDA/LDA list shall be submitted no later than the 30th day following each month. If there are no changes or updates to the information provided the previous month, submit an email indicating no changes. See Appendix – CDA List of Distribution Sites (LDS)
- **Corrective Action Plan Status or Completion Reports** – CDAs must submit to the Bureau status or completion reports as scheduled according to corrective action plans required as the result of a processed complaint, monitoring report, review report, or as requested by the Bureau.

### **15.4 - Retention of Records:**

USDA requires that records be kept on file for three years from the close of the FFY to which they pertain, or longer in the case of audit or investigation (7 CFR, 251.10). The Bureau may take physical possession of such records on behalf of their CDAs (7 CFR, 251.10). Records must be reasonably accessible at all times for use during management evaluation reviews, audits, or investigations (7 CFR, 251.10).

## **SECTION 16 - Compliance Monitoring, Accountability and Training**

### **16.1 - USDA Reviews:**

The Food and Nutrition Service (FNS) of USDA reviews state agencies, CDAs, and SDAs/LDAs at random. Frequently, these are unannounced visits of which, neither the Bureau, nor CDAs, are notified in advance.

With FNS approval, site reviews conducted by the FNSRO may be counted toward the total number of reviews that the Bureau is required to perform annually. The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, may:

- inspect and inventory donated foods in storage;
- inspect the facilities used in the handling or storage of such donated foods;
- inspect and audit all records, including financial records, and reports pertaining to the distribution of donated foods;
- review or audit the procedures and methods used in carrying out the requirements at any reasonable time (7 CFR, 250.18).

### **16.2 – The Bureau Reviews of CDAs:**

The Bureau is required to monitor the operation of TEFAP to ensure that it is being administered in accordance with Federal and State requirements. The Bureau must review, **at a minimum**, 25 percent of all CDAs that have an agreement with the Bureau annually, and review all such CDAs at least once every four years. See Appendix - TEFAP Review Form for CDA.

Of the CDAs that have agreements with other ERAs (SDAs and LDAs), the Bureau must review one-tenth or twenty; whichever is fewer, each year (7 CFR, 251.10). See Appendix - TEFAP Review Form for SDA and Appendix - TEFAP Review Form for LDA

The minimum Federal requirement of the Bureau reviews of CDAs and SDAs/LDAs must be conducted, to the maximum extent feasible, during actual distribution of USDA foods or meal service, and eligibility determination (7 CFR, 251.10). The Bureau may, at its discretion, also review SDAs/LDAs at times other than during distributions.

The Bureau reviews of CDAs, SDAs and LDAs must include:

- eligibility determinations, including a review of procedures and controls to ensure that distribution sites are complying with eligibility guidelines;
- food ordering procedures;
- storage and warehousing practices, including inspection of off-site and/or commercial storage facilities, for adequacy of space, pest control, health and safety requirements, and storage and handling procedures;
- inventory controls, including review of perpetual inventory records, records of issuance to and return from distribution sites, physical inventory counts, and records of receipt by eligible signatures on sign-up sheets;
- approval of distribution sites to ensure proper and equitable selection of sites in order to meet the needs of the population;

- reporting and recordkeeping requirements, including review of accounting records and documentation in support of claims submitted;
- civil rights and non-discrimination procedures/training(7 CFR, 251.10);
- evaluation of the degree to which the ERA is serving its eligible needy population within its assigned service area without monetary or other charge;
- evaluation of program outreach, advertising, and notification methods to ensure that all eligible recipients are advised of distribution times and locations;
- evaluation of compliance with household participation data collection and reporting requirements.

The Bureau will submit a report no later than 30 days following the date of the exit conference. In cases where deficiencies are found, the Bureau will produce a report for the CDA that includes a description of each deficiency found and contributing factors, requirements for corrective actions, and timetable for completion of corrective action (7 CFR, 251.10).

### **16.3 - CDA Reviews of SDAs and LDAs:**

CDAs must conduct a Pre-Award Compliance Review prior to SDAs or LDAs received TEFAP food as required by USDA and FNS 113-1. This review can be a desk or onsite review of the civil rights information available for program applicants. This review must be documented and maintained in appropriate files. See Appendix – Sample Civil Rights Pre-Award Compliance Forms

CDAs are required to monitor SDAs and LDAs annually and conduct comprehensive reviews as required to ensure compliance with 7 CFR 251, 7 CFR 250 (as applicable), federal rules and regulations, and all pertinent state, and local laws and rules. This is to ensure that TEFAP food is distributed properly, promptly, and in reasonable amounts to eligible participants. CDAs must maintain written documentation of monitoring efforts and monitoring visits. Reviews must be conducted, to the maximum extent feasible, during actual distribution of donated foods and/or meal service, and processing of applications to receive donated food. SDAs and LDAs must demonstrate compliance with Federal and State regulations and requirements.

The CDA review of distribution sites must include all of the same elements as listed above. Additionally, it must also include the following:

- insurance that proper signage is prominently posted, i.e., And Justice for All poster;
- evaluation of distribution rates to ensure that commodities are being distributed in equitable proportions based on household size;
- insurance that unrelated activities are being conducted in accordance with Federal regulations.

Results of the CDA review of SDAs and LDAs will be reviewed during the Bureau reviews of CDAs.

### **16.4 - Corrective Action Plans:**

CDAs, or their SDAs and/or LDAs shall be required to correct all deficiencies noted during monitoring, review or inspection activities. Failure to submit a corrective action plan or acceptable

justification for not taking corrective action to the Bureau may result in the withholding of payments, being deemed in breach or default, or termination of the contract documents. The Bureau will review and approve corrective action plans prior to implementation. CDAs are required to respond to any findings that require correction within 30 days of receipt of the corrective action report.

**16.5 - The Bureau Accountability:**

The Bureau is accountable to USDA for the proper recording and usage of all TEFAP funds and foods allocated to the State of Florida.

**16.6 - CDA Accountability:**

CDAs are accountable to the Bureau and USDA for adherence and compliance with all laws, rules, regulations, policies, and procedures set forth by USDA or the Bureau in manuals, letters, and other correspondence.

When not specifically outlined in Federal regulation or State policy, CDAs should follow generally accepted, industry-wide practices for recordkeeping, storage, warehousing, inventory, and other responsibilities of the CDA.

SDAs are equally accountable to the Bureau, the CDA, and USDA for compliance and adherence to all laws, rules, regulations, policies, and procedures set forth by USDA or the Bureau in manuals, letters, and other correspondence, as is any ERA.

LDAs are accountable to the SDA, CDA, the Bureau, and USDA, although routine program direction and guidance will normally be issued by the CDA or SDA. In the event of an emergency, the Bureau or USDA may intercede as necessary.

**16.7 – Training:**

CDAs will provide annual training to their staff and SDA(s) staff on TEFAP regulations, policies, rules, and contractual requirements; as well as civil rights laws, policies, and filing complaints. CDAs are required to ensure that LDA(s) staff receives equivalent training. For each training session, the CDA must maintain a list of attendees and a copy of the agenda of subjects covered.

CDA training regarding Civil Rights to SDA(s) must include applicable laws, and policies and procedures for filing complaints. CDAs must ensure LDA(s) staff receives equivalent training.

## **SECTION 17 - TEFAP Funding Usage and Accounting**

### **17.1 - Reimbursement**

CDAs are entitled to receive reimbursement for expenses directly related to their administration of TEFAP in their region; (7 CFR 251.8e).

CDAs shall be reimbursed at a rate per pound of TEFAP food distributed per month, up to the amount of the contract. The total amount of payment may not exceed the actual total of valid TEFAP-related expenses incurred by the CDA. The amount per pound, no less than \$0.20 per pound, shall be determined annually by the Bureau, based on the state's allocation of TEFAP food and administrative funds available for the corresponding fiscal year. Notwithstanding, the Bureau may limit the total amount that may be claimed for payment by June 30th of each year to not exceed 75% of the total amount specified in the contract documents. The total amount of payment may not exceed the actual total of valid TEFAP-related expenses incurred by the CDA.

CDAs are expected to maintain sufficient revenue sources other than USDA funds that would allow for consistent, effective, and efficient distribution of TEFAP foods throughout its service area, even if TEFAP administrative funds are insufficient or not available.

### **17.2 - Expenditure Reimbursement:**

CDAs must maintain the Bureau-required fiscal and accounting records documenting the amount of funds received and costs incurred. These records must be maintained in accordance with generally accepted accounting principles.

CDAs shall use the approved designated Reimbursement for Expense Request form for TEFAP related expenses. CDAs must submit the payment request form together with supporting documentation regarding amounts of TEFAP food distributed during the month. The form must be received by the Department no later than the 45 days following the month in which the distributions were made. See Appendix -Reimbursement for Expense Request

The definition of direct expenses is revised to include both direct and indirect costs attributable to TEFAP (7 CFR 251.8). Allowable costs are those that are necessary, reasonable, and allocable for proper and efficient administration of the TEFAP program, including the handling and distribution of TEFAP foods. CDAs must also provide procedures for determining reasonable and allowable expenses (2 CFR 200).

Direct and indirect allowable costs for TEFAP expenses, as outlined in Federal regulations, include:

- intrastate transportation, storage, handling, distribution, repackaging, and processing;
- salaries of persons directly administering program and program-related expenses;
- fringe benefits and travel expenses;
- rent and utilities;
- accounting, auditing, and other administrative services;
- computer services;

- costs related to providing program services to SDAs/LDAs to CDAs, i.e., technical assistance and workshops;
- costs associated with determination of eligibility, verification and documentation;
- costs associated with providing information to persons receiving USDA donated foods regarding proper storage and preparation;
- costs for publications about times and locations of distributions (7 CFR, 250.15 & 251.8; 7 CFR, 251.8);
- meals provided to volunteers, i.e., non-salaried staff, for services rendered during the distribution of USDA commodities. Meal cost must be reasonable (reflect the cost of an average meal) and adequately documented with volunteer's name, hours worked, receipts, invoices, or other evidence of the cost of providing meals, and the volunteer's signature for each meal received (FNS Instruction 716-3).

Distribution charges shall not be based on a percentage of the value of the USDA foods distributed (7 CFR, 250.15).

A CDA may not rent equipment from itself, but it may charge a use fee or a depreciation allowance in accordance with Internal Revenue Service guidelines and generally accepted accounting principles (see Federal OMB Circular A-87 for details).

TEFAP funds can be used for processing, transporting, storing, handling, repackaging, and distributing both USDA and non-USDA food of ERAs; however, priority is given to USDA food (7 CFR, 251.8). CDAs must obtain prior approval from the Bureau before claiming these costs. Only costs approved by the Bureau will be allowable for reimbursement.

### **17.3 - Capital Expenditures:**

Equipment purchased with TEFAP monies becomes the property of USDA, and may not be given, traded, or sold without permission from the Bureau.

CDAs must keep separate accounting records for all capital expenditures. These records must be easily accessible for review by the Bureau and USDA staff.

### **17.4 – Administrative and Maintenance Fees**

CDAs must not charge any SDA and/or LDA any type of administrative, maintenance, transportation/delivery, or similar fee, for TEFAP foods, or require any SDA or LDA to acquire any other foods from the CDA in order to receive TEFAP foods. In the event TEFAP administrative funds are not available, the Department may, at its discretion, amend the contracts to authorize charging of an administrative or similar fee.

## **SECTION 18 - Complaints**

### **18.1 - Complaint Investigation**

The Bureau shall investigate promptly complaints received in connection with the distribution or use of USDA donated foods. Irregularities that are disclosed must be corrected immediately. Serious irregularities must be reported to USDA. The Bureau shall maintain on file evidence of investigations and actions. USDA reserves the right to make investigations and have the final determination as to when a complaint has been properly handled (7 CFR, 250.20).

### **18.2 - Legislative and Food and Consumer Services (FNS) Inquiries:**

CDAs must respond to the Bureau as required in a timely manner to inquiries the Bureau receives from the Legislature, FNS, the public, and other sources. All complaints are researched. If evidence of wrongdoing is discovered, the CDA is informed and is then required to submit a corrective action plan to the Bureau. If the Bureau does not approve the submitted plan, the Bureau may require the CDA to revise the plan or may prepare its own plan that the CDA is required to implement. If no evidence of impropriety or wrongdoing is found, the Bureau will prepare a report of findings and explanations. In every case, the complainant and the CDA will receive a response from the Bureau.

### **18.3 - Complaints Received by ERAs:**

When a CDA, SDA or LDA encounters a problem or receives a complaint that cannot be rectified at the local level, the CDA must immediately notify the Bureau TEFAP Coordinator by email or by phone. The initial notification must be followed by a detailed written report of the problem or complaint, which must immediately be forwarded to the Bureau TEFAP Coordinator by mail, fax, or email. The Bureau will issue instructions and recommendations on a case-by-case basis.

### **18.4 - TEFAP Food Complaints:**

Complaints about TEFAP food must be handled immediately to prevent use of foods that may be unfit for human consumption. If a complaint is received, the CDA must:

- 1) Immediately place all remaining product involved in the complaint on hold.
- 2) Immediately contact the Bureau by phone or email and provide the following information:
  - a description of the problem, including any known incidents or facts involved, such as injury or sickness;
  - Delivery Order or Notice to Deliver number(s) of the product(s);
  - initial amount of product involved and amount of remaining product on hold;
  - date the product was received by the CDA and the package date, which should be printed on the outside of the case;
  - temperature at which the product was stored and the temperature conditions of distribution;
  - name of person at CDA to contact for investigation and follow-up.
- 3) Complete and forward to the Bureau a written report containing the information above.

As soon as USDA determines the complaint is of a serious nature, the Bureau will inform USDA of all the specific information supplied by the CDA. It is imperative that all reports be complete and accurate. With complaints of a serious nature, USDA will decide the appropriate course of action. This may include certain tests, such as lab analysis, or a re-inspection of the product. USDA will also maintain close contact with the Bureau until the complaint is resolved.

## **SECTION 19 - Forms, Charts, and Agreements**

This section contains information regarding Forms, Charts, and Agreements used for The Emergency Food Assistance Program.

### **19.1 - USDA Commodity Report of Shipment Received Over, Short/or Damaged (CRS):**

ERAs must report any overages or shortages to the Bureau and in WBSCM, as applicable. Any damage product must be reported immediately to the Bureau for further instruction and prior to receipting or refusing the product.

### **19.2 - The Bureau Reports:**

The Bureau reports provided are samples of the information that must be reported. Reports are to be completed by CDAs and submitted according to regulatory and contractual guidelines. These forms are reproduced for your reference in the Appendix. Please note that all forms are subject to ongoing review and may be revised at any time.

- Household Food Distribution Log
- USDA Food Loss Report (FLR) – CDA
- USDA Food Transfer Authorization (FTA)
- CDA’s List of Distribution Sites (LDS) CDA
- Quarterly Inventory Report (QIR)
- Monthly Distribution Report (MDR)
- Monthly Request for Reimbursement (MRR)

### **19.3 - Household Food Distribution Log:**

The Bureau has created this form to document households’ receipt of TEFAP commodities. By referring to the Eligibility Guidelines, recipients may self-certify their eligibility. This form is not typically submitted to the CDA or the Bureau, but must be retained for three years at the distribution site.

### **19.4 - TEFAP Eligibility Guidelines Charts:**

English, Spanish, Creole, Polish, and Russian versions of the TEFAP Eligibility Guidelines are located in the Appendix. These should be completed as instructed in this manual.

### **19.5 – CDA and SDA/LDA Agreement:**

CDAs must complete this agreement for each SDA/LDA that receives TEFAP commodities. However, the CDA may terminate the agreement as noted.

## APPENDIX

### TEFAP Forms, Charts, and Agreements

This section contains the forms and charts that are available for use by the Eligible Recipient Agencies; and agreements to be used between CDAs and Distributing Agencies. Forms should be saved in an extractable format (if it is a spreadsheet) and transmitted electronically to the Bureau. It should include the Contracted Distributing Agency name, report name, month and year.

Forms completed by the Distribution Sites and required posting.

1. **USDA Food Loss Report (FLR)** – This form must be completed immediately upon discovery of any TEFAP food loss and submitted to the Bureau.
2. **Quarterly Inventory Report (QIR)** – This form must be complete as of the last business day of the month and electronically transmitted to the Bureau by the 30<sup>th</sup> of the following month.
3. **USDA Food Transfer Report (FTR)** This form must be initiated by the transferring ERA then emailed to the receiving agency immediately after transfer of product. The receiving ERA must complete the report and email to Bureau within 5 days of receipt of product.
4. **CDA List of Distribution Sites (LDS)** – This list should include all ERAs that the CDA distributes donated or USDA TEFAP foods. This form should be completed by the CDA as of the last business day of the each month and emailed to the Bureau by the 30<sup>th</sup> of the following month. If there aren't any changes to list, CDA shall email the Bureau stating that the list is current and there aren't any changes.
5. **CDA Sample Agreements with Sub Distributing and Local Distributing Agencies-** CDAs must have a signed agreement with SDA/LDA prior to distributing donated foods and/or administrative funds.
6. **Monthly Distribution Report (MDR)** – This report is completed monthly by CDAs to indicate number of pounds of food distributed including TEFAP, purchased and other donated foods. This form must be completed and emailed to the Bureau by the 45<sup>th</sup> day of the following month.
7. **Sample Household Food Distribution Log** - This form is used to document when TEFAP food is picked up by an eligible person. It can also be used as reminder of the eligibility criteria for receiving TEFAP food for household use.
8. **Certification of Eligibility to Take Food Home Form – (CEFH)** This form is to be used to determine if the eligibility criterion was met and certify individuals to be recipient of TEFAP donated food. English, Spanish, Creole, Russian and Polish versions are available.
9. **USDA “And Justice for All Posters”-** This poster must be posted at all TEFAP distribution sites.
10. **USDA Program Discrimination Complaint Form (DCF)** – This form and/or the instructions for filing online is to be made available to anyone wanting to file a

discrimination complaint against a CDA, SDA or LDA. All agencies dispensing a DCF must maintain a log of persons receiving the DCF and notify their CDA (for LDA and SDAs). The CDAs will notify the Bureau that a DCF was issued and the potential for a discrimination complaint. CDA is responsible to document any and all statements and maintain a file.

11. **Reimbursement for Expense Request (RER)** – This form is used by CDAs to request reimbursement for distributing TEFAP food and administration of the program.
12. **TEFAP Household Income Eligibility Criteria (HCF) Chart** - The Income Eligibility Guidelines chart lists the income limits for households receiving TEFAP commodities, and is revised annually upon release of the Federal Poverty Guidelines. This chart must be made available to all potential eligible recipients.
13. **Sample Civil Rights Pre-Award Compliance Forms** – This form is used as a screening tool to determine if CDAs, SDAs, and LDAs are in compliance with Civil Rights requirements prior to being approved to participate as TEFAP food distributors.
14. **TEFAP Review Form for CDA** – The form that the Bureau uses to conduct reviews for CDAs
15. **TEFAP Review Form for SDA** - The form that the Bureau uses to conduct reviews for SDAs
16. **TEFAP Review Form for LDA** - The form that the Bureau uses to conduct reviews for LDAs



Florida Department of Agriculture and Consumer Services  
Division of Food, Nutrition and Wellness

NICOLE "NIKKI" FRIED  
COMMISSIONER

**USDA FOODS LOSS REPORT**

7 CFR 250 AND 251  
Phone: (850) 617-7170 Fax: (850) 617-7171

Bureau of Food Distribution,  
Program Oversight Section  
600 South Calhoun Street  
Holland Building (H2)  
Tallahassee, Florida 32399-0800

Date Loss Discovered: \_\_\_\_\_ Program #: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Location where loss occurred: \_\_\_\_\_

*(If different from Agency Address – ex. ABC Elementary School, Jones Warehouse or Smith's Soup Kitchen)*

Check Type of Loss:     Refrigeration Failure     Infestation     Theft     Damages  
                                  Expired Shelf Life     Other \_\_\_\_\_

**General Storage Conditions**

Was product stored on:     Shelves?     Pallets?     Neither?

Was FIFO by Pack Date Used?     Yes     No                      By Received Date Used?     Yes     No

Temperature of Storage Area at Time of Loss: \_\_\_\_\_

**Important – Attach copies of your last two Health Inspection Reports and Temperature logs for the last 60 days.**

**Infestation**

Type of Infestation: \_\_\_\_\_ Date of Last Treatment: \_\_\_\_\_

**Theft Information**

Was the loss reported to local police?     Yes - Attach a copy of police report

No - Why not? \_\_\_\_\_

**Insurance Information**

Was the loss covered by Insurance?     Yes     No

**Disposition of USDA Donated Food**

Was the food inspected prior to its disposal?     Yes – By what agency? \_\_\_\_\_

*Attach a copy of the Condemnation Notice/Stop Sale*

No – Why not? \_\_\_\_\_

How was the food destroyed? \_\_\_\_\_

**FDACS Use Only:**

CLAIM #: \_\_\_\_\_ TOTAL LOSS VALUE: \_\_\_\_\_

DATE DETERMINED: \_\_\_\_\_ BUREAU INITIALS: \_\_\_\_\_



## INSTRUCTIONS FOR COMPLETING A USDA FOODS LOSS REPORT

The USDA Foods Loss Report is to be filed with the Bureau of Food Distribution whenever any TEFAP USDA donated foods are rendered unfit for human consumption or are unaccounted for due to circumstances which include, but are not limited to: incorrect accounting methods, theft and improper receipt, improper storage and distribution of TEFAP USDA donated foods. When a food loss is identified, utilize the procedures noted below to complete a USDA Foods Loss Report.

The Contracting Distributing Agency (CDA) shall notify the Bureau immediately after *any* loss of TEFAP USDA donated foods. The CDA is responsible for filing all loss claims with the Bureau regardless of whether the loss occurred at their facility or at one of their SDA or LDA sites.

Initial notification to the Bureau may be done via a telephone call forewarning the Bureau of a TEFAP USDA donated food loss and advising that the written USDA Foods Loss Report will follow.

**For each incident, regardless of the amount of the TEFAP USDA donated food loss, a USDA Foods Loss Report must be completed and returned to the Bureau of Food Distribution for processing.**

If the USDA donated food loss is \$500 or less per incident and is not a result of theft, fraud, embezzlement, or willful misapplication, the CDA must file a written USDA Foods Loss Report with the Bureau within 30 calendar days after the occurrence of the loss in order to fully satisfy the reporting requirements.

Any loss over \$500 and for those as a result of theft, fraud, embezzlement or willful misapplication, the CDA must file a written USDA Foods Loss Report with the Bureau within 3 to 10 business days after the occurrence of the loss in order to fully satisfy the reporting requirements.

For any loss exceeding \$500; or is the result of theft, fraud, embezzlement, or willful misapplication regardless of the value of the loss, the food loss must be replaced by either in-kind/similar product replacement or cash payment. If the loss is less than \$500 and is not a result of theft, fraud, embezzlement, or willful misapplication, the Bureau has the discretion to determine whether or not the food loss has to be replaced by either in-kind/similar product replacement or cash payment.

1. Fill out a **USDA Foods Loss Report**.
2. Enter the **Date** the loss was discovered.
3. Enter your **Program Number** as noted on your contract (e.g., 94010), **Contact Name, Agency Name, Mailing Address, Telephone, or Fax**.
4. Enter the **Location Where the Loss Occurred**. If there are multiple sites where USDA foods are stored, then list the actual site of the loss (specific school, warehouse, etc.)
5. Check the box noting the cause of the loss under **Type of Loss**.
6. Indicate using the check boxes, how the product was stored and the method of distribution used for all types of losses.
7. If the type of loss was **Refrigeration Failure**, then:
  - a. Enter the **Temperature of Storage at Time of Loss**.
  - b. Attach a copy of the temperature logs for at least two months prior to the discovery.
  - c. Attach copies of your last two Health Inspection Reports.
8. If the type of loss was **Infestation**, then:
  - a. Note the **Type of Infestation**.
  - b. As instructed in #6, check whether the commodities were stored on Shelves, Pallets or Neither (if the commodities were not stored on either).
  - c. Note the **Date of the Last Pest Control Treatment**.
  - d. Enter the **Temperature of Storage at Time of Loss**.
  - e. Attach a copy of the temperature logs for at least two months prior to the discovery.
  - f. Attach copies of your last two Health Inspections.

9. If the type of loss was **Theft**, then:
  - a. Check **Was the Loss Reported to Local Police?** If yes, then attach a copy of the police report. If no, then explain why not.
  - b. Attach an explanation indicating what measures have been taken to prevent another occurrence of theft from happening.
10. If the type of loss was due to **Damages**, then:
  - a. As instructed in #6, check whether the commodities were stored on Shelves, Pallets or Neither (if the commodities were not stored on either).
11. If the type of loss was due to **Expired Shelf Life**, then:
  - a. As instructed in #6, indicate using the check boxes, how the product was stored and the method of distribution used.
12. If the type of loss was **Other**, then attach a detailed explanation to the report.
13. Check whether the **Loss Was Covered by Insurance**, or not. If yes, please attach supporting documentation.
14. **Disposition of USDA Donated Food.** Check if the food **Was Inspected Prior to its Disposal**.
  - a. If yes, then attach a Stop Sale Notice or other official report.
  - b. If no, then enter an explanation why not?

**Note:** All USDA foods must be inspected by a recognized agency such as the County Health Department, the FDACS Division of Food Safety or Bureau of Food Distribution field personnel. If a Health Department or Division of Food Safety inspector is used, a copy of the Stop Sale Notice must be attached. The Bureau of Food Distribution is to be called as a last resort for food inspection or authorization to dispose of USDA food. If verbal authorization is given by the Bureau, then note the name of the person and date on the report.

15. **Describe How the Food Was Destroyed.** All USDA foods must be destroyed according to regulations. **Note:** If a large amount of food is unfit for human consumption and can be used for livestock feed, please contact the Bureau of Food Distribution prior to making arrangements for its destruction. It should also be noted by the inspector on the Stop Sale Notice.

16. **Description of Lost USDA Foods.** Use **Attachment A** to describe the USDA foods lost. Each block should contain a description of one item, one Pack Date and one Sales Order (SO) Number. If there are more than one pack date or SO number for a food lost, list the food again with the other pack date and SO number. List each USDA Food noting:

- a. USDA food code (e.g., 100001, 110001, etc.)
- b. USDA food name (e.g., Butter, Cut-up Chicken, Diced Pears, etc.)
- c. Sales Order (SO) Number (e.g., 5000113005, etc.)
- d. Date received at the warehouse or commercial distributor (if applicable)
- e. Date received at the food preparation site (if applicable)
- f. Pack Date (e.g., September, 1995)
- g. Unit of Pack (e.g., 6/#10 cans per case, 24/#300 cans per case, 25/2# bags, etc.)
- h. Units Lost (e.g., 2 cases, 4 cans, 15 pounds, etc.)

17. **Explain Reason for Loss.** Be concise! Explain how the loss occurred, including all of the facts that are relevant so that an accurate determination can be made.
18. At the bottom of **Attachment A**, enter the **Date the Loss Report** was completed. USDA Food Loss Reports are to be sent to the Bureau of Food Distribution within three to ten business days from discovery.
19. Have the **USDA Foods Loss Report** signed by an Authorized Representative of your agency and their title. Then mail to the address below:

Bureau of Food Distribution, Program Oversight Section  
 600 South Calhoun Street  
 Holland Building, (H2)  
 Tallahassee, Florida 32399-0800

If a loss claim is assessed, then the present replacement value for the USDA foods will be calculated by the Bureau of Food Distribution. The assessed amount can be paid in cash (by check) or, if approved, replaced with in-kind or similar products that are domestically produced and are of equal or greater value than USDA's cost of replacement.





Florida Department of Agriculture and Consumer Services  
Division of Food, Nutrition and Wellness

NICOLE "NIKKI" FRIED  
COMMISSIONER

**THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)  
TRANSFER REPORT**

**Note:** Transfer of USDA commodities requires the Bureau approval before transfer. The information below must be **completed by the shipping Agency and emailed to the receiving Agency.**

Shipping Food Bank	
Food Bank:	
Contact Name:	
Product Name / Commodity Code:	
Vendor's Sales Order No. (SO):	
Vendor's Purchase Order No. (PO):	
Original Date Received:	
Number of Cases Shipped:	

**Note:** The information below must be **completed by the receiving Food Bank and emailed to [Michele.Heidel@FDACS.gov](mailto:Michele.Heidel@FDACS.gov)** and CC the shipping Food Bank.

Receiving Food Bank	
Received By:	
Contact Name:	
Date Received:	
Inter Food Bank transfer per DES original allocation:	
Inter Food Bank transfer unused from original allocation:	
Other transfer ( <i>explain</i> ):	

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.



**(SAMPLE AGREEMENT)**

**AGREEMENT BETWEEN CONTRACTED DISTRIBUTOR AGENCY  
AND SUB-DISTRIBUTING AGENCIES WHO WILL FURTHER SUB-DISTRIBUTE USDA TEFAP  
FOODS**

This Agreement, hereinafter called the "Agreement" made this \_\_\_ day of \_\_\_\_\_ by and between the Contracted Distributing Agency, \_\_\_\_\_ called the "Contracted Distributor", whose address is \_\_\_\_\_, and \_\_\_\_\_, called the "Sub-Distributor", \_\_\_\_\_, whose address is \_\_\_\_\_.

This agreement is for the distribution and further sub-distribution of the Contracted Distributor's United States Department of Agriculture (USDA) donated food under The Emergency Food Assistance Program (TEFAP) by the Sub-Distributor in the following county/counties: \_\_\_\_\_

AGREEMENT PERIOD:

AGREEMENT AMOUNT for Administrative Funds: \$

In consideration of the mutual premises hereinafter contained, the parties agree that this Agreement will be performed in accordance with the following conditions.

**I. Sub-distributor attests that:**

- 1 It is an emergency feeding organization as defined in 7CFR 251.3.
- 2 It is located within the Contracted Distributor's designated service area.

**II. Sub-distributor agrees to:**

1. Administer and distribute TEFAP USDA donated food in compliance with the requirements of 7CFR 251, 7CFR 250 (as applicable), all pertinent policies, rules, regulations, and any procedures established by the USDA and/or the Florida Department of Agriculture and Consumer Services.
2. Distribute TEFAP USDA donated food only to benefit eligible people served in its designated service area.
3. Determine eligibility of households prior to issuing any TEFAP USDA donated food for household consumption. In the case of self-declaration, to use the current income eligibility chart issued by the Florida Department of Agriculture and Consumer Services, Bureau of Food Distribution, prior to July 1 of each year.
4. Use TEFAP USDA donated food only for distribution to eligible households or for congregate feeding. TEFAP USDA donated food shall not be sold, exchanged or otherwise disposed of without the approval of the Florida Department of Agriculture and Consumer Services.
5. Allow the Florida Department of Agriculture and Consumer Services access to or furnish whatever information/documentation is necessary for the Department to conduct reviews, and monitor progress or

performance to determine conformity with intended program purposes. The sub-distributor shall permit representatives of the Department or USDA to visit its sites or sub-distributor sites; inspect donated food in storage, or the facilities used in handling or storing donated food; to monitor distributions, and to review and audit all records pertinent to TEFAP at any reasonable time during normal working hours.

6. Not solicit donations in any manner from clients or require any client to pay for TEFAP USDA donated food, join any organization or group, attend or participate in a religious practice or service, or any other activity unrelated to the distribution of TEFAP USDA donated food, as a condition for receiving TEFAP USDA donated food.

7. Attend training provided by the Contracted Distributor regarding TEFAP, Civil Rights, etc., as required, and train staff on a regular basis and not less than annually on all aspects of TEFAP, Civil Rights laws, policies and requirements, etc.

8. Provide a monthly updated list of local agencies in which TEFAP foods are distributed. This update must be sent to the Contracted Distributor no later than the 15<sup>th</sup> day following each month.

9. Submit quarterly inventory report of all TEFAP foods on hand at their own or contracted facility to the Contracted Distributor no later than the 15<sup>th</sup> day following the end of each quarter (January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup>). The report shall indicate for each TEFAP food item, the USDA commodity code and description, quantity on hand, and received date. The received date shall be the date that the sub-distributor received the product.

10. Submit to Contracted Distributor a monthly report of the number of pounds distributed by agency for USDA Foods (TEFAP), produce, purchased food, child nutrition programs (At Risk Meals Program, Summer Food Service Program, etc.), all other donated food, and store level pick-up. The information Reports should be submitted using the attached Sub-distributor and Local Agencies Monthly Report.

11. Sub-distributor will ensure all distributions, both at the sub-distributing agency level as well as the local distributing agency level, occur at locations in which food is consistently available to the community (i.e. food pantries, soup kitchens). If the sub-distribution agency will operate mobile food pantries, information on scheduled distribution dates, times and locations shall be available to the Contracted Distributor and the state agency upon request. Mobile food pantries shall be operated in a method in which clients can rely on a stable food distribution system with consistency in scheduling and availability.

**III. Distribution of TEFAP USDA Donated Food by Sub-distributors to Other Eligible Recipient Agencies. (Optional – If the Contracted Distributor will allow sub-distributor to further distribute TEFAP USDA donated food to other emergency feeding organizations, the agreement must include this clause.)**

Prior to further distributing TEFAP USDA donated food to other eligible recipient agencies, the sub-distributor must enter into a written agreement with that organization. The subsequent agreement must include all the provisions found in this agreement. In addition, the sub-distributor must agree to:

1. Distribute TEFAP USDA donated food only to other emergency feeding organizations on a fair-share basis according to the priority system established for TEFAP USDA donated food in 7CFR 251.4(h)(a) and the Florida Department of Agriculture and Consumer Services.

2. Not charge any type of administrative fee for TEFAP USDA donated food including, but not limited to, transportation, delivery, shared maintenance, or other similar fee.
3. At least annually, provide the Contracted Distributor with a list of the organizations it is distributing TEFAP USDA donated food to, including name, address, contact name and phone number, total number of households served, amount of food provided, etc.
4. Allow representatives of the Contracted Distributor, FDACS or USDA, access to or furnish whatever information/documentation is necessary to conduct reviews, monitor progress or performance or examine records to determine conformity with intended program purposes at any of the distributing sites or sub-distributor sites.
5. Provide annual training to sub-distributing agency staff on Civil Rights laws and all aspects of TEFAP regulations, policies and rules.

**IV. Receipt of USDA Donated Food.** Emergency feeding organizations must sign a receipt for any TEFAP USDA donated food received. The receipt must include number of cases of each TEFAP USDA donated food, name of the sub-distributing agency receiving the TEFAP USDA donated food, date and recipient's signature. The ERA shall maintain the original signed receipt in its files. The sub-distributor should keep a copy of the receipt for its files.

**V. Issuance Records.**

1. Food Pantries. Emergency feeding organizations (EFO) distributing TEFAP USDA donated food to households for home consumption must certify the client's eligibility, using the appropriate form and income guidelines provided by the Contracted Distributor for this purpose. Eligibility certification is valid for one year and may be renewed unless client's circumstances change so as to make them ineligible.

The EFO must keep a record of the names of all households receiving food each day. Recipient should sign a receipt or list each time they receive food. Federal regulations do not require keeping a record of the specific TEFAP foods or quantities issued to each household.

2. Soup Kitchens. Maintain record of number of meals served daily. Sites do not have to maintain records of the names of people to whom they serve meals, and meal recipients do not have to sign for their meals.

**VI. Termination.** This agreement may be terminated by either party, for cause, upon no less than thirty (30) calendar days notice, unless a lesser time is mutually agreed upon by both parties. Said notice shall be delivered in writing by certified mail, return receipt requested, or in person with proof of delivery.

**VII. Storage Facilities.** The Sub-Distributor certifies that it has the proper facilities for the storage and protection of TEFAP USDA donated food. Sub-Distributor agrees to take a daily temperature reading of the storage areas, *dry*, freezer and cooler, where TEFAP USDA donated food is stored. ***Internal thermometers must be used when taking temperatures in the freezer and cooler storage areas.*** USDA considers any loss of TEFAP USDA donated food due to refrigeration or freezer failure as negligence and subject to loss claim action.

**VIII. Records Retention.** All records, documents, etc., required by USDA regulations, policies, or this agreement, must be retained for three years following the close of the federal fiscal year to which they pertain.

**IX. Civil Rights Complaints.** Sub-distributor must establish a procedure for receiving and handling Civil Rights complaints. Sub-distributor must forward complaints alleging discrimination based on one of the protected classes to the Contracted Distributor immediately upon receipt.

**X. Civil Rights Statement.** “In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.”

Signed by parties to this agreement:

\_\_\_\_\_  
Name of Contracted Distributor

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Sub-Distributor

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

(SAMPLE AGREEMENT)

**AGREEMENT BETWEEN CONTRACTED DISTRIBUTING AGENCY AND LOCAL DISTRIBUTING AGENCY WHO WILL FURTHER DISTRIBUTE USDA TEFAP FOODS**

This Agreement, hereinafter called the "Agreement," made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between the Contracted Distributing Agency, \_\_\_\_\_ called the "Contracted Distributor", whose address is \_\_\_\_\_ city of \_\_\_\_\_, and \_\_\_\_\_ the Local Distributing Agency called the "Local Distributor", whose address is \_\_\_\_\_, city of \_\_\_\_\_, county of \_\_\_\_\_.

This agreement is for the distribution of the Contracted Distributor's United States Department of Agriculture (USDA) donated food under The Emergency Food Assistance Program (TEFAP) by the Local Distributor in the following county/counties: \_\_\_\_\_

AGREEMENT PERIOD: \_\_\_\_\_

In consideration of the mutual premises hereinafter contained, the parties agree that this Agreement will be performed in accordance with the following conditions.

**I. Local Distributor attests that:**

1. It is an emergency feeding organization as defined in 7CFR 251.3.
2. It is located within the Contracted Distributor's designated service area.

**II. Local Distributor agrees to:**

1. Administer and distribute TEFAP USDA donated food in compliance with the requirements of 7CFR 251, 7CFR 250 (as applicable), all pertinent policies, rules, regulations, and any procedures established by the USDA and/or the Florida Department of Agriculture and Consumer Services.
2. Distribute TEFAP USDA donated food only to benefit eligible people served in its designated service area.
3. Determine eligibility of households prior to issuing any TEFAP USDA donated food for household consumption. In the case of self-declaration, to use the current income eligibility chart issued by the Florida Department of Agriculture and Consumer Services, Bureau of Food Distribution, prior to July 1 of each year.
4. Use TEFAP USDA donated food only for distribution to eligible households or for congregate feeding. TEFAP USDA donated food shall not be sold, exchanged or otherwise disposed of without the approval of the Florida Department of Agriculture and Consumer Services.
5. Allow the Florida Department of Agriculture and Consumer Services access to or furnish whatever information/documentation is necessary for the Department to conduct reviews, and monitor progress or performance to determine conformity with intended program purposes. The Local Distributor shall permit representatives of the Department or USDA to visit its sites or Local Distributor sites; inspect donated food in

storage, or the facilities used in handling or storing donated food; to monitor distributions, and to review and audit all records pertinent to TEFAP at any reasonable time during normal working hours.

6. Not solicit donations in any manner from clients or require any client to pay for TEFAP USDA donated food, join any organization or group, attend or participate in a religious practice or service, or any other activity unrelated to the distribution of TEFAP USDA donated food, as a condition for receiving TEFAP USDA donated food.

7. Attend training provided by the Contracted Distributor regarding TEFAP, Civil Rights, etc., as required, and train staff on a regular basis and not less than annually on all aspects of TEFAP, Civil Rights laws, policies and requirements, etc.

8. Submit quarterly inventory report of all TEFAP foods on hand at their own or contracted facility to the Contracted Distributor no later than the 15<sup>th</sup> day following the end of each quarter (January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup>). The report shall indicate for each TEFAP food item, the USDA commodity code and description, quantity on hand, and received date. The received date shall be the date that the Local Distributor received the product.

9. Submit to Contracted Distributor a monthly report of the number of pounds distributed by agency for USDA Foods (TEFAP), produce, purchased food, child nutrition programs (At Risk Meals Program, Summer Food Service Program, etc.), all other donated food, and store level pick-up. The Information report should be submitted using the attached Monthly Report.

10. Local Distributor will ensure all distributions occur at locations in which food is consistently available to the community (i.e. food pantries, soup kitchens). If the local distribution agency will operate mobile food pantries, information on scheduled distribution dates, times and locations shall be available to the Contracted Distributor and the state agency upon request. Mobile food pantries shall be operated in a method in which clients can rely on a stable food distribution system with consistency in scheduling and availability.

**III. Distribution of TEFAP USDA Donated Food by Local Distributor to Other Eligible Recipient Agencies (ERA). (Optional – If the Contracted Distributor will allow Local Distributor to further distribute TEFAP USDA donated food to other emergency feeding organizations, the agreement must include this clause.)**

Prior to further distributing TEFAP USDA donated food to other ERAs, the Local Distributor must enter into a written agreement with that organization. The subsequent agreement must include all the provisions found in this agreement. In addition, the Local Distributor must agree to:

1. Distribute TEFAP USDA donated food only to other emergency feeding organizations on a fair-share basis according to the priority system established for TEFAP USDA donated food in 7CFR 251.4(h)(a) and the Florida Department of Agriculture and Consumer Services.

2. Not charge any type of administrative fee for TEFAP USDA donated food including, but not limited to, transportation, delivery, shared maintenance, or other similar fee.

3. Provide the Contracted Distributor with a list of the organizations it is distributing TEFAP USDA donated food to, including name, address, contact name and phone number, total number of households served, amount of food provided, etc. Update the list as needed.

4. Allow representatives of the Contracted Distributor, FDACS or USDA, access to or furnish whatever information/documentation is necessary to conduct reviews, monitor progress or performance or examine records to determine conformity with intended program purposes at any of the distributing sites or sub-distributor sites.

5. Provide annual training to ERA agency staff on Civil Rights laws and all aspects of TEFAP regulations, policies and rules.

**IV. Receipt of USDA Donated Food.** Local Distributor must sign a receipt for any TEFAP USDA donated food received. The receipt must include number of cases of each TEFAP USDA donated food, name of the Local Distributor receiving the TEFAP USDA donated food, date and recipient's signature. The Contracted Distributor shall maintain the original signed receipt in its files. The Local Distributor should keep a copy of the receipt for its files.

#### **V. Issuance Records.**

1. Food Pantries. Emergency feeding organizations (EFO) distributing TEFAP USDA donated food to households for home consumption must certify the client's eligibility, using the appropriate form and income guidelines provided by the Contracted Distributor for this purpose. Eligibility certification is valid for one year and may be renewed unless client's circumstances change so as to make them ineligible.

The EFO must keep a record of the names of all households receiving food each day. Recipient should sign a receipt or list each time they receive food. Federal regulations do not require keeping a record of the specific TEFAP foods or quantities issued to each household.

2. Soup Kitchens. Maintain record of number of meals served daily. Sites do not have to maintain records of the names of people to whom they serve meals, and meal recipients do not have to sign for their meals.

**VI. Termination.** This agreement may be terminated by either party, for cause, upon no less than thirty (30) calendar days notice, unless a lesser time is mutually agreed upon by both parties. Said notice shall be delivered in writing by certified mail, return receipt requested, or in person with proof of delivery.

**VII. Storage Facilities.** The Local Distributor certifies that it has the proper facilities for the storage and protection of TEFAP USDA donated food. Local Distributor agrees to take a daily temperature reading of the storage areas, *dry*, freezer and cooler, where TEFAP USDA donated food is stored. ***Internal thermometers must be used when taking temperatures in the freezer and cooler storage areas.*** USDA considers any loss of TEFAP USDA donated food due to refrigeration or freezer failure as negligence and subject to loss claim action.

**VIII. Records Retention.** All records, documents, etc., required by USDA regulations, policies, or this agreement, must be retained for three years following the close of the federal fiscal year to which they pertain.

**XI. Civil Rights Complaints.** Local Distributor must establish a procedure for receiving and handling Civil Rights complaints. Local Distributor must forward complaints alleging discrimination based on one of the protected classes to the Contracted Distributor immediately upon receipt.

**X. Civil Rights Statement.** "In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color,

national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.”

Signed by parties to this agreement:

\_\_\_\_\_  
Name of Contracted Distributor Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Local Distributing Agency

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date



## HOUSEHOLD DISTRIBUTION SITE SIGN-IN SHEET (SAMPLE)

Agency \_\_\_\_\_ County \_\_\_\_\_

**Effective July 1, 2016 to June 30, 2017**

**Federal Poverty Guidelines 130 %      Pautas de Elegibilidad del Programa Según los Ingresos**

Important Please read before completing Importante – Favor de leer antes de	Household Del Hogar	Annual Anual	Monthly Mensual	Twice Monthly Dos veces al mes	Bi-Weekly Dos veces a la semana	Weekly Semanal
By printing my name on this form, I certify that I <input type="checkbox"/> meet the current income eligibility guidelines; or receiving <input type="checkbox"/> SNAP (foodstamps); <input type="checkbox"/> TANF; <input type="checkbox"/> SSI or <input type="checkbox"/> Medicaid benefits.  Por mi nombre en este forma, certifico que: ➤ Poseo los requisitos Incom de elegibilidad para recibir productos USDA	1	\$15,444	\$1,287	\$644	\$594	\$297
	2	\$20,826	\$1,736	\$868	\$801	\$401
	3	\$26,208	\$2,184	\$1,092	\$1,008	\$504
	4	\$31,590	\$2,633	\$1,317	\$1,215	\$608
	5	\$36,972	\$3,081	\$1,541	\$1,422	\$711
	6	\$42,354	\$3,530	\$1,765	\$1,629	\$815
	7	\$47,749	\$3,980	\$1,990	\$1,837	\$919
	8	\$53,157	\$4,430	\$2,215	\$2,045	\$1,023
	For each additional family member add:		\$5,408	\$451	\$226	\$208

- |   |   |
|---|---|
| ➤ I will not sell, trade, barter, or exchange this food for service.<br>➤ I live in the geographic area served by this distribution site. | ➤ No venderé, traficaré, cambiaré, o canjearé estos productos por servicios.<br>➤ Resido en el área geográfica servida por este centro de distribución. |
|---|---|

Print Name Escribe Nombre	Address Adres	Number of People in Household Numero de Personas en Casa
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		



Florida Department of Agriculture and Consumer Services  
Division of Food, Nutrition and Wellness

NICOLE "NIKKI" FRIED  
COMMISSIONER

**THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)  
CERTIFICATION OF ELIGIBILITY TO TAKE FOOD HOME**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Number of People In Household: \_\_\_\_\_  
County \_\_\_\_\_

The following shows a yearly gross income for each family size. If your household income is at or below the income listed for the number of people in your household, you are eligible to receive food. **The chart below is effective July 1, 2016 - June 30, 2017.**

Household Size	Annual Income	Monthly Income	Twice per Month	Every two Weeks	Weekly Income
1	\$15,444	\$1,287	\$644	\$594	\$297
2	\$20,826	\$1,736	\$868	\$801	\$401
3	\$26,208	\$2,184	\$1,092	\$1,008	\$504
4	\$31,590	\$2,633	\$1,317	\$1,215	\$608
5	\$36,972	\$3,081	\$1,541	\$1,422	\$711
6	\$42,354	\$3,530	\$1,765	\$1,629	\$815
7	\$47,749	\$3,980	\$1,990	\$1,837	\$919
8	\$53,157	\$4,430	\$2,215	\$2,045	\$1,023
For each additional family member add:	\$5,408	\$451	\$226	\$208	\$104

The chart details eligibility criteria for monthly income, income received twice monthly (24 payments per year), income received every two weeks (26 payments per year) and weekly income.

You are eligible to receive food from TEFAP if your household meets the income guidelines above or participates in any of the following programs. Please place a checkmark in the space next to the category that applies.

- \_\_\_\_\_ Income eligibility
- \_\_\_\_\_ Supplemental Nutrition Assistance Program (SNAP) (fka Food Stamps)
- \_\_\_\_\_ Temporary Assistance to Needy Families (TANF)
- \_\_\_\_\_ Supplemental Security Income (SSI)
- \_\_\_\_\_ Medicaid

Please read the following statement carefully and then sign the form and write in today's date. You only need to meet one of these requirements to be eligible to receive USDA foods.

*I certify that my yearly household gross income is at or below the income listed on this form for households with the same number of people **OR** that I participate in the program(s) that I have checked on this form. I also certify that as of today, I reside in the State of Florida. This certification is being submitted in connection with the receipt of Federal assistance. Program officials may verify what I have certified to be true. I understand that making a false certification may result in having to pay the State agency for the value of the food improperly issued to me and may subject me to civil or criminal prosecution under State and Federal law.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THIS CERTIFICATION IS VALID FOR A PERIOD OF ONE YEAR and may be renewed as needed. Any changes in the household's circumstances must be reported to the distributing agency immediately.**

**OPTIONAL:** I authorize \_\_\_\_\_ to pick up USDA foods on my behalf.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.



In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at <https://www.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**fax:**  
(833) 256-1665 or (202) 690-7442;

**email:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieran medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en <https://www.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

**correo postal:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o'

**fax:**  
(833) 256-1665 o' (202) 690-7442;

**correo electrónico:**  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución ofrece igualdad de oportunidades.



**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)  
Office of the Assistant Secretary for Civil Rights  
Program Discrimination Complaint Form**

First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

E-mail address (if you have one): \_\_\_\_\_

Telephone Number starting with area code: \_\_\_\_\_

Alternate Telephone Number starting with area code: \_\_\_\_\_

Best Time of the Day to Reach You \_\_\_\_\_

Best Way to Reach You, (check one): Mail  Phone  E-mail  Other: \_\_\_\_\_

Do you have a representative (lawyer or other advocate) for this complaint? Yes  No

If yes, please provide the following information about your representative:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

1. Who do you believe discriminated against you? Use additional pages, if necessary.

Name(s) of person(s) involved in the alleged discrimination (if known):

Please name the program you applied for (if known/if applicable): \_\_\_\_\_

Please check (✓) the USDA Agency below that conducts the program or provides Federal financial assistance for the program (if known):

- Farm Service Agency       Food and Nutrition Service   
Rural Development       Natural Resource Conservation Service   
Forest Service       Other: \_\_\_\_\_

2. What happened to you? Use additional pages, if necessary, and please include any supporting documents that would help show what happened.

3. When did the discrimination occur?

Date: \_\_\_\_\_  
                    Month                      Day                      Year

If the discrimination occurred more than once, please provide the other dates:

4. Where did the discrimination occur?

Address of location where incident occurred:

\_\_\_\_\_  
Number and street, PO Box, or RD Number

\_\_\_\_\_  
City                      State                      Zip Code

5. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs) Reprisal is prohibited based on prior civil rights activity.

I believe I was discriminated against based on my

6. Remedies: How would you like to see this complaint resolved?

7. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, with what agency or court did you file? \_\_\_\_\_

When did you file? \_\_\_\_\_  
Month Day Year

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Mail Completed Form To:**

USDA  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Ave, SW, Stop 9410  
Washington, D.C. 20250-9410

E-mail address:  
[program.intake@usda.gov](mailto:program.intake@usda.gov)

**Telephone Numbers:**

Local area: (202) 260-1026  
Toll-free: (866) 632-9992  
Local or Federal relay: (800) 877-8339  
Spanish relay: (800) 845-6136  
Fax: (202)690-7442



Florida Department of Agriculture and Consumer Services  
Division of Food, Nutrition and Wellness

**REIMBURSEMENT FOR EXPENSES REQUEST**

NICOLE "NIKKI" FRIED  
COMMISSIONER

**THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)  
COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)**

7 CFR 247, 7 CFR 251

Date: \_\_\_\_\_  
Agency Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_

<b>TEFAP</b>	
Contract No.: _____	
Period of Distribution: _____ (Month and Year)	
Total pounds of TEFAP foods distributed: _____ lbs. X \$0.20	Total \$ _____ 0.00

<b>CSFP</b>	
Contract No.: _____	
Period of Distribution: _____ (Month and year)	
Number of cases distributed for CSFP	_____
Number of approved applications for CSFP	_____
Total Reimbursement Requested	\$ _____

**Attach supporting documentation regarding delivery/distribution of (TEFAP/CSFP) foods, i.e., bills of lading, delivery receipts, distribution reports, etc. All other supporting documentation must be maintained on site as required by 7 CFR §247 and/or 251.**

**Signature** \_\_\_\_\_ Date \_\_\_\_\_  
Program Director/Coordinator (Signature)

\_\_\_\_\_ Title \_\_\_\_\_  
Print Name

<b>DO NOT WRITE IN THIS SPACE</b>	
<u>TEFAP</u>	<u>CSFP</u>
ORG CODE/EO: _____	ORG CODE/EO: _____
PAYMENT AMOUNT \$ _____	PAYMENT AMOUNT \$ _____
FDACS CONTRACT MANAGER (Signature) <b>Signature</b> _____	DATE: _____

## TEFAP HOUSEHOLD INCOME ELIGIBILITY CRITERIA

**Income Eligibility:** The following shows a yearly gross income for each family size. If your household income is at or below the income listed for the number of people in your household, you are eligible to receive food.

**The chart below is effective July 1, 2016 - June 30, 2017.**

Household Size	Annual Income	Monthly Income	Twice per Month	Every two Weeks	Weekly Income
1	\$15,444	\$1,287	\$644	\$594	\$297
2	\$20,826	\$1,736	\$868	\$801	\$401
3	\$26,208	\$2,184	\$1,092	\$1,008	\$504
4	\$31,590	\$2,633	\$1,317	\$1,215	\$608
5	\$36,972	\$3,081	\$1,541	\$1,422	\$711
6	\$42,354	\$3,530	\$1,765	\$1,629	\$815
7	\$47,749	\$3,980	\$1,990	\$1,837	\$919
8	\$53,157	\$4,430	\$2,215	\$2,045	\$1,023
For each additional family member add:	\$5,408	\$451	\$226	\$208	\$104

Note: The chart details eligibility criteria for monthly income, income received twice monthly (24 payments per year), income received every two weeks (26 payments per year) and weekly income.

**You are eligible to receive food from TEFAP if your household meets the income guidelines above or participates in any of the following programs.**

- Income eligibility
- Supplemental Nutrition Assistance Program (SNAP) (fka Food Stamps)
- Temporary Assistance to Needy Families (TANF)
- Supplemental Security Income (SSI)
- Medicaid

**CIVIL RIGHTS PRE-AWARD COMPLIANCE FORM – SAMPLE**

The review and approval of the information must take place before the application is approved for program operation.

<b>Name and Address of Program:</b>		<b>Name and Title of Contact Person:</b>	
<b>Telephone Number:</b>		<b>Email Address:</b>	
<b>Fax:</b>		<b>Site Type(s) – Please check all that apply:</b>	
<b>County Name:</b>		<b>Pantry</b> <input type="checkbox"/>	<b>Soup Kitchen</b> <input type="checkbox"/>
<b>Days and Hours of Operation :</b>		<b>Other (specify):</b>	

**Additional Services Offered During TEFAP food distribution:**

1. Does your program advise the public, including minority and grassroots organizations of your service and eligibility requirements?	<b>YES</b>	<b>NO</b>

**If yes, please attach a list with dates and what media were used, including letters, organizations or persons contacted, etc. Example: radio, television, newspaper, mail-outs, leaflets or brochures.**

2. What is the estimated racial/ethnic makeup of your program's geographic service delivery area (from the latest census or other official recognized sources)?

<b>Ethnic Group</b>	<b>Hispanic or Latino</b>	<b>Not Hispanic or Latino</b>	<b>Total</b>
Percent			

<b>Race Group</b>	<b>American Indian or Alaskan Native</b>	<b>Asian</b>	<b>Black or African American</b>	<b>Native Hawaiian or other Pacific Islander</b>	<b>White</b>	<b>Other</b>
Percent						

3. Does your program's application contain the current nondiscrimination statement?	<b>YES</b>	<b>NO</b>

**If yes, provide a copy of the material where this is documented (application/admission form, etc.).**

<b>If no, will your program add the standard USDA non-discrimination statement to the appropriate application form, brochures, etc.</b>	<b>YES</b>	<b>NO</b>

*"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-*

9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). This institution is an equal opportunity provider.

4. List the names, if any, of other Federal agencies providing assistance to your program.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Has your program ever been found in non-compliance with any civil rights requirements?	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input type="checkbox"/>

**If the answer above is yes, provide a brief summary on a separate sheet of the non-compliance findings, the relevant details and the resolution**

6. Has your program had any civil rights discrimination allegations in the previous 2-years?	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input type="checkbox"/>

**If the answer above is yes, provide a brief summary on a separate sheet of the non-compliance findings, the relevant details and the resolution**

7. Does your program have bi-lingual public-contact employees serving beneficiaries of the program, where necessary, to permit effective participation by beneficiaries who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English?	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input type="checkbox"/>

Language	Spanish	Haitian Creole	Other:	Other:	Other:	Total
No. of Employees						

8. Describe the manner in which services are or will be provided by the program in question and include any related data necessary to ensure that no persons are or will be denied services on the basis of prohibited discrimination.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date:



NICOLE "NIKKI" FRIED  
COMMISSIONER

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
BUREAU OF FOOD DISTRIBUTION  
THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

STATE AGENCY REVIEW FORM  
Contracted Distributing Agency Compliance Review

I. GENERAL INFORMATION			
Region #	Name of Contracted Distributing Agency (CDA) and Number:		
Address:			
Telephone/Email:	Name and Title of CDA Representative(s):		
Name of FDACS Regulatory Consultant(s):	Date(s) of Review:		
Were <u>all</u> findings discussed at the time of the Exit Conference?			YES NO
II. CONTRACTUAL SERVICES AGREEMENT			
<i>Scope of Services</i>	YES	NO	NA
Is the CDA administering and distributing the USDA TEFAP foods pursuant to the signed Contractual Services Agreement on file between the CDA and FDACS, as it relates to:			
SCOPE OF SERVICES TO BE PROVIDED			
MANNER OF SERVICES			
FOOD DISTRIBUTION			
ADMINISTRATIVE FUNDS			
LOSSES			
MISCELLANEOUS PROVISIONS			
III. CIVIL RIGHTS			
<i>7CFR250.21; 7CFR251.10, FNS113-1; AD-475A</i>	YES	NO	NA
1. Is the USDA nondiscrimination poster "And Justice For All", prominently displayed in the CDA's office? <b>AD-475A</b>			
2. Is the most current non-discrimination statement (or applicable revision) included on all program materials produced for public information, public education, and/or public distribution? <b>FNS113-1</b>			
3. Is the CDA's method of public notification in compliance as per USDA instruction? <b>FNS113-1 (IX) (B)</b>			
4. Has the CDA conducted Civil Rights Training to all SDA's, LDA's, and volunteers annually in accordance with FNS Instruction 113-1? (attach copies of Agenda(s) and Sign-In Sheets) If no, list in comments. <b>FNS113-1 (XI)</b>			
5. Has the CDA developed and implemented procedures to handle Civil Rights complaints in compliance with FNS Instruction 113-1 and other regulations, policies, and procedures? <b>FNS113-1(XV) (XVI)</b>			
6. Has the CDA or any of its SDA's and LDA's had any civil rights complaints since the previous review? If yes, list and attach applicable documentation.			

7.	If yes, were correct procedures followed by the appropriate parties for any complaint listed in Question 6?			
<b>IV. RECORD KEEPING, REPORTING, AND ACCOUNTABILITY</b>				
		<b>YES</b>	<b>NO</b>	<b>NA</b>
1.	Does the CDA maintain complete and accurate records to document the receipt, disposal, and inventory of commodities received and distributed at its agency, and for each SDA and LDA under <b>7CFR251.10</b> ?			
2.	Are all program financial expenditures paid by the CDA with TEFAP administrative funds, supported by records and allowable as per <b>7CFR251.8(e); FNS Instruction 716-3 Revision 1</b>			
3.	a. Does the CDA maintain the required records for a period of three years from the close of the Federal Fiscal Year to which they pertain? <b>7CFR 250.16,251.10</b>			
	b. Were the required records reasonably accessible to the Regulatory Consultants at the time of the review? <b>7CFR251.10</b>			
4.	a. Has the CDA entered into a written agreement with each SDA or LDA receiving TEFAP foods and administrative funds? <b>7CFR251.5</b>			
	b. Did the CDA ensure that each SDA or LDA met eligibility requirements prior to TEFAP participation? <b>7CFR251.5</b>			
5.	a. Does the CDA have a current 501(c)3 or other exempt status on file?			
	b. Did the CDA ensure all applicable SDAs and LDAs had a current 501(c)3 or other exempt status before distributing USDA Foods? If no, list in comments.			
6.	a. Did the CDA submit to FDACS no later than the 30 <sup>th</sup> day following the end of each quarter, a complete inventory report of all TEFAP foods on hand at their own or contracted facility at the end of the previous monthly period?			
	b. Did the CDA submit to FDACS a monthly report of the number of pounds distributed by each SDA and LDA?			
7.	Does the CDA ensure responsibility of all costs associated with the administration of the program in their contracted service area?			
<b>V. WAREHOUSING, DISTRIBUTION, AND STORAGE OF USDA FOOD</b>				
<b>7 CFR 250.14</b>		<b>YES</b>	<b>NO</b>	<b>NA</b>
1.	Is the CDA's warehousing facility: <b>7CFR250.14 (b) (1-6)</b>			
	a. Sanitary and free from rodent, bird, insect, and other animal infestation?			
	b. Safeguarded against theft, spoilage, damage and other loss?			
	c. Maintaining foods at proper temperatures as regulated by the Bureau of Food Safety and local health department codes?			
	d. Storing food off the floor in a manner to allow adequate ventilation?			
	e. Storing TEFAP foods separately from purchased or other donated foods?			
	f. Stocking and spacing foods in a manner so that USDA Foods are readily identified?			
	g. Does the CDA practice the FIFO system in management of USDA Food inventory? <b>Policy Memo FD-107</b>			
	h. Is all USDA Food at the CDA warehouse facility marked with the date of their receipt into the storage facility? If no, what date is on the product?			
	i. Does the CDA consider the "Best if Used By", Expiration, and pack dates listed on USDA product when managing their TEFAP food inventory?			
	j. Does the current inventory level of each USDA Food item at the warehouse facility exceed a six-month supply?			
	k. If yes, is there sufficient justification for additional inventory been submitted and approved by the State Agency?			
2.	a. Did the CDA obtain all required Federal, State and/or local health inspections and/or approvals for its agency and each SDA and LDA?			

	b.	Are all such inspections/approvals are current and in compliance?			
	c.	Does the CDA have a food safety certification?			
<i>Obtain a copy of the most recent inspections/approvals and certification.</i>					
3.	a.	Has the CDA conducted an annual review of each of their respective warehouse facilities (including contracted commercial warehousing)? <b>7CFR250.14 (c)</b>			
		If yes, is documentation maintained on file at the CDA? Retain a copy for records.			
	b.	In cases of noncompliance, is there documentation of immediate corrective action taken by the CDA? <b>7CFR250.14 (c)</b>			
4.	a.	Has the CDA conducted an annual physical inventory of each of their respective warehouse facilities? List Date. <b>7CFR250.14 (d) (3)</b>			
	b.	If yes, did the CDA reconcile their physical inventory with their book inventory? <b>7CFR250.14 (e)</b>			
	c.	If yes, are the reconciliation records maintained on file with the CDA?			
5.	a.	Did the CDA ensure comprehensive monitoring reviews of all SDA's and LDA's respective storage facilities were conducted annually? <b>7CFR250.14(b)</b>			
	b.	Is written documentation of monitoring efforts, and corrective action responses if applicable, complete and maintained on file at the CDA? <b>7CFR250.10</b>			
6.	a.	Has the CDA conducted an annual physical inventory of each of the SDAs and LDAs respective warehouse facilities? List Date. <b>7CFR250.14 (d) (3)</b>			
	b.	If yes, did the CDA reconcile each SDAs and LDAs physical inventory with their book inventory? <b>7CFR250.14 (e)</b>			
	e.	If yes, are the reconciliation records maintained on file with the CDA?			
7.	a.	Did the CDA find any USDA Foods to have been lost, stolen, or out of condition at the time of the review of its warehouse facility or those of the SDAs and LDAs? <b>7CFR250.14 (e)</b>			
	b.	Were potential excessive inventories of USDA Foods discovered during its annual review and monitoring practices or for the SDAs and LDAs? If yes, did the CDA report it to the State Agency? <b>7CFR250.14 (f)</b>			
8.	a.	Has the CDA or its SDA's experienced any UDSA Food losses over the threshold of \$500.00 since the previous review? <b>FNS Handbook 501, FNS Instruction 410-1, Rev 1; 7CFR250.15(c)</b>			
		If yes, list and attach applicable documentation			
	b.	Were correct procedures followed by the CDA for any USDA Food loss?			
9.		Do all TEFAP foods appear to be distributed to SDAs and LDAs in a timely manner with minimal disruption? <b>7CFR250.14, 7CFR251.10</b>			
<b>Please list all findings with corrective action below in Comments. Provide CDA with copy of review form; formal review report to follow.</b>					

**COMMENTS:**



NICOLE "NIKKI" FRIED  
COMMISSIONER

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
BUREAU OF FOOD DISTRIBUTION  
THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

STATE AGENCY REVIEW FORM  
Sub-Distributor Agency Compliance Review

**I. GENERAL INFORMATION**

<b>Region #</b>	<b>Name of Sub-Distributor Agency (SDA) and Number:</b>		
<b>Address:</b>			
<b>Telephone/Email:</b>		<b>Name and Title of LDA Representative(s):</b>	
<b>Name of FDACS Regulatory Consultant(s):</b>		<b>Date(s) of Review:</b>	
<b>Is the Review conducted during a distribution?</b>		<b>Date(s)&amp;Time(s) of USDA Food Distribution:</b>	
<b>If applicable, list USDA Foods distributed on the day of review:</b>			<b>SDA Service Area:</b>
<b>Were <u>all</u> findings discussed at the time of the Exit Conference?</b>			<b>YES NO</b>

**II. ELIGIBILITY**

<i>Scope of Services; Individual agreement between SDA and LDA, 7CFR250, 7 CFR 251</i>	YES	NO	NA
Is a current signed agreement on file between the CDA and SDA; and between the SDA and each LDA as listed in the contract?			
Does each agreement fulfill all requirements as listed in 7 CFR 250?			
Does the SDA update the agreements with the LDAs on an annual basis?			
Did the SDA ensure that each LDA met eligibility requirements prior to TEFAP participation? <i>7CFR251.5</i>			
Does the SDA distribute directly to clients?			
If yes, does the SDA maintain on file a copy of each client's eligibility self-determination form?			
Is each eligibility self-determination form complete and accurate?			

**III. CIVIL RIGHTS**

<i>7CFR250.21; 7CFR251.10, FNS113-1; AD-475A</i>	YES	NO	NA
1. Is the USDA nondiscrimination poster "And Justice For All", prominently displayed? <i>AD-475A</i>			
2. Is the most current non-discrimination statement (or applicable revision) included on all program materials produced for public information, public education, and/or public distribution? <i>FNS113-1</i>			
3. Is the SDA's method of public notification in compliance as per USDA instruction? <i>FNS113-1(IX)(B)</i>			
4. Has the SDA implemented procedures to handle Civil Rights complaints in compliance with FNS Instruction 113-1 and other regulations, policies, and procedures? <i>FNS113-1(XV)(XVI)</i>			
5. Has the SDA had any civil rights complaints? If yes, did the SDA use proper notification standards as per FNS Instruction 113-1?			

<b>V. RECORD KEEPING, REPORTING, AND ACCOUNTABILITY</b>				
		<b>YES</b>	<b>NO</b>	<b>NA</b>
1.	Does the SDA maintain complete and accurate records to document the receipt, disposal, and inventory of USDA foods received and distributed under <b>7CFR251.10</b> ?			
2.	Are all program financial expenditures paid by the SDA with TEFAP administrative funds, supported by records and allowable as per <b>7CFR251.8(e); FNS Instruction 716-3 Revision 1</b>			
3.	Does the SDA maintain the required records for a period of three years from the close of the Federal Fiscal Year to which they pertain? <b>7CFR 250.16,251.10(b)</b>			
<b>VI. WAREHOUSING, DISTRIBUTION, AND STORAGE OF USDA FOOD</b>				
<b>7 CFR 250.14</b>		<b>YES</b>	<b>NO</b>	<b>NA</b>
1.	Is the SDA's storage facility: <b>7CFR250.14(b)(1-6)</b>			
a.	Sanitary and free from rodent, bird, insect, and other animal infestation?			
b.	Safeguarded against theft, spoilage, damage and other loss?			
c.	Maintaining foods at proper temperatures as regulated by the Bureau of Food Safety and local health department codes?			
d.	Storing food off the floor in a manner to allow adequate ventilation?			
e.	Storing TEFAP foods separately from purchased or other donated foods?			
f.	Stocking and spacing foods in a manner so that USDA Foods are readily identified?			
g.	Obtained all required Federal, State and/or local health inspections and/or approvals and all such inspections/approvals are current and in compliance?			
3.	a. Does the SDA practice the FIFO system in management of USDA Food inventory? <b>Policy Memo FD-107</b>			
b.	Is all USDA Food at the SDA storage facility marked with the date of their receipt into the storage facility? If no, what date is on the product?			
c.	Does the SDA consider the "Best if Used By", Expiration, and pack dates listed on USDA product when managing their TEFAP food inventory?			
4.	Does the SDA distribute USDA Foods only in its designated contractual service area?			
5.	Does the SDAs distribution method ensure that LDAs receive product in an appropriate time and manner?			

**COMMENTS:**



NICOLE "NIKKI" FRIED  
COMMISSIONER

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
BUREAU OF FOOD DISTRIBUTION  
THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

STATE AGENCY REVIEW FORM  
Local Agency Compliance Review

**I. GENERAL INFORMATION**

Region #	Name of Local Distributing Agency (LDA) and Number:		
Address:			
Telephone/Email:	Name and Title of LDA Representative(s):		
Name of FDACS Regulatory Consultant(s):	Date of Review:		
Is the Review conducted during a distribution?	LDA Site Type/Daily Participation:		
LDA Service Area:	Date(s)&Time(s) of USDA Food Distribution:		

If applicable, list USDA foods distributed on the day of review:

Were <u>all</u> findings discussed at the time of the Exit Conference?	YES	NO
	NO	

**II. ELIGIBILITY**

<i>Scope of Services; Individual agreement between SD/CDA and LDA, 7CFR250, 7 CFR 251</i>	YES	NO	NA
Is the current signed agreement between the LDA and SDA or CDA on file at the LDA?			
Does the LDA appear to be in compliance with the agreement?			
How long has the LDA been receiving and distributing TEFAP food? <i>Month and year</i>			
Does the LDA maintain on file a copy of each client's eligibility self-determination form?			
Is each eligibility form complete and accurate?			

**III. CIVIL RIGHTS**

<i>7CFR250.21; 7CFR251.10, FNS113-1; AD-475A</i>	YES	NO	NA
1. Is the USDA nondiscrimination poster "And Justice For All", prominently displayed? <b>AD-475A</b>			
2. Is the most current non-discrimination statement (or applicable revision) included on all program materials produced for public information, public education, and/or public distribution? <b>FNS113-1</b>			
3. Is the LDA's method of public notification in compliance as per USDA instruction? <b>FNS113-1(IX)(B)</b>			
4. Has the LDA implemented procedures to handle Civil Rights complaints in compliance with FNS Instruction 113-1 and other regulations, policies, and procedures? <b>FNS113-1(XV)(XVI)</b>			
5. Has the LDA had any civil rights complaints? If yes, did the LDA use proper notifications standards as per FNS Instruction 113-1?			

**IV. WAREHOUSING AND STORAGE OF USDA FOODS**

<i>7 CFR 250.14</i>	YES	NO	NA
1. Is the LDA's storage facility: <b>7CFR250.14(b)(1-6)</b>			
a. Sanitary and free from rodent, bird, insect, and other animal infestation?			
b. Safeguarded against theft, spoilage, damage and other loss?			

	c.	Maintaining foods at proper temperatures as regulated by the Bureau of Food Safety and local health department codes?			
	d.	Storing food off the floor in a manner to allow adequate ventilation?			
	e.	Practicing the FIFO system in management of USDA Food inventory? <i>Policy Memo FD-107</i> . If no, what method is the LDA using?			
2.	a.	Are TEFAP Food products delivered to the LDA?			
	b.	List the date of the last delivery or pick up:			
	c.	Have any USDA Food products been received that were spoiled or out of condition? If yes, explain in comments below.			
	d.	Has the LDA experienced any UDSA Food losses since the previous review or start date? <i>FNS Handbook 501, FNS Instruction 410-1, Rev 1; 7CFR250.15(c)</i>			
	e.	Were correct procedures followed by the LDA for any USDA Food loss listed in 2(d)?			
<b>V. DISTRIBUTION OF USDA FOODS</b>					
3.	a.	Is TEFAP delivered to homebound or other households?			
	b.	Does the LDA operate mobile pantries? If yes, receive a copy of the locations, times and dates.			
	c.	If yes, are mobile food pantries operated in a method in which clients can rely on a stable food distribution system with consistency in scheduling and availability?			
	d.	Are proper procedures followed during distribution of TEFAP food to eligible clients?			
	f.	Does the LDA distribute TEFAP foods only to benefit eligible individuals within the designated service area?			
	g.	If serving prepared meals, does the LDA serve only predominantly needy persons? <i>7CFR251.5(2)</i>			
	h.	Does the LDA ensure that eligible recipients are not required to partake in non-TEFAP activities to receive USDA Food? <i>7CFR251.10</i>			
	i.	Do all TEFAP foods appear to be distributed to eligible clients in a timely manner with minimal disruption? <i>7CFR250.14, 7CFR251.10(f)</i>			

**COMMENTS:**