



COLORADO
Office of Economic Security
Division of Food & Energy Assistance

Colorado Department of Human Services
Office of Economic Security
Division of Food and Energy Assistance
Food Distribution Programs



Commodity Supplemental Food Program Policy and Procedure Manual

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Commodity Supplemental Food Program

Policy and Procedures Manual

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I. Introduction

A. Program Description

1. The Commodity Supplemental Food Program (CSFP) was authorized under the Agriculture and Consumer Protection Act of 1973. The purpose of the CSFP is to improve the health and nutritional status of low-income elderly persons through nutrition education activities and the provision of supplemental foods.

B. Administration

1. The Colorado Department of Human Services (CDHS), Division of Food and Energy Assistance, Food Distribution Programs (FDP) has an agreement with the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) to administer CSFP in Colorado and does so in accordance with federal and state requirements. You can reference these requirements in the:
 - a. Code of Federal Regulations (CFR) at 7 CFR Part 247 and, as applicable, Part 250
 - b. CSFP State Plan
2. CDHS contracts with RAs (RA), such as nonprofit organizations and public agencies, that:
 - a. Determine the eligibility of applicants,
 - b. Order, receive, store, transport, and distribute USDA Foods to eligible clients,
 - c. Conduct nutrition education activities for eligible clients, and
 - d. Receive reimbursement for eligible program costs.

II. Definitions

Administrative costs: Direct and indirect costs that are necessary to support program operations.

Applicant: Any person who applies to receive program benefits. Applicants include program participants applying for recertification.

Caseload: The number of persons the State Agency may serve on an average monthly basis.

Certification: The use of procedures to determine an applicant's eligibility for the program.

Certification period: The period of time that a client may continue to receive program benefits without a review of his or her eligibility.

Children: Persons who are at least one year of age but have not reached their sixth birthday.

Colorado Department of Human Services (CDHS): The state department that develops and oversees high quality health and human services that improve the safety, independence, and well-being of the people of Colorado. The programs and services are delivered at the local level in a manner that recognizes and preserves individual rights, responsibilities, and dignity.

Commodity (Commodities): *aka USDA Foods*; Foods made available for CSFP distribution by the United States Department of Agriculture (USDA) through legislation.

CSFP: The Commodity Supplemental Food Program. This program works to improve the health of low- income pregnant and breastfeeding women, other new mothers up to one year postpartum, infants, children up to age six, and elderly people at least 60 years of age by supplementing their diets with nutritious USDA Foods. It provides food and administrative funds to States to supplement the diets of these groups.

Disqualification: The act of ending program participation of a client as a punitive sanction.

Dual participation: Simultaneous participation by an individual in CSFP and the WIC Program, or in CSFP at more than one distribution site.

Elderly Persons: Persons at least 60 years of age.

Federal Fiscal Year (FFY): A twelve-month period used for accounting and reporting purposes, October 1 through September 30.

Food Distribution Programs (FDP): The work unit within CDHS that administers federal and state food distribution programs.

Food and Nutrition Service (FNS): An agency of USDA responsible for the nationwide administration of several federal nutrition programs including CSFP.

Household: A group of related or non-related individuals living as one economic unit who buy and cook food together. It can also mean a single individual living alone.

Recipient Agency (RA): A public or private nonprofit agency, including an Indian tribal organization, which enters into a contract with the State Agency to administer CSFP at the local level.

Mountain Plains Regional Office (MPRO): USDA/FNS Regional Office, headquartered in Denver, Colorado, responsible for USDA programs in Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Nonprofit Agency: A private agency or organization with tax-exempt status under the Internal Revenue Code, or that has applied for tax-exempt status with the Internal Revenue Service.

Out-of-condition Products: Out-of-condition products are those food products which appear to be contaminated, deteriorated, spoiled, infested, or have latent defects. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products.

Poverty Guidelines: Established by the United States Department of Health and Human Services as an indicator of poverty based on income and utilized in establishing income-based eligibility standards for clients. The guidelines are updated annually.

Proxy: Any person designated by a client, or by the client's adult parent or caretaker, to obtain USDA Foods on behalf of the client.

Recipient Agency (RA): A public or private nonprofit agency, including an Indian tribal organization, which enters into an agreement with the CDHS to administer CSFP at the local level.

Service Region: An area of the state, determined by the CDHS, served by an RA under contract with the CDHS.

State Fiscal Year (SFY): A twelve-month period used for accounting and reporting purposes, July 1 through June 30.

State Plan: The document that describes the manner in which the State Agency intends to administer CSFP in Colorado.

Storage: The holding of USDA Foods for a period of time longer than twelve hours.

Sub Distributing Agency: An agency or organization that has entered into an agreement with an RA to perform functions normally performed by an RA, such as making arrangements for the storage and distribution of USDA Foods, accepting applications for program participation, and/or determining client eligibility on behalf of the RA.

United States Department of Agriculture (USDA): Cabinet level agency responsible for federal programs related to agriculture.

Web Based Supply Chain Management (WBSCM): An on-line system initiated by USDA to order USDA Foods.

WIC Program (WIC): The Special Supplemental Nutrition Program for Women, Infants, and Children.

III. Administration

A. State Administration

1. Direct daily operation is the responsibility of the FDP.
2. The CDHS enters into a contract with RAs to serve designated areas in Colorado.

- a. RAs under contract with the CDHS may enter into agreements with subrecipient agencies to determine client eligibility and/or distribute USDA Foods to eligible clients.
- b. Agreements must be completed on form FDP-CO-180, Commodity Supplemental Food Program Agreement between RAs and eligible subrecipient agencies. Copies must be forwarded to the CDHS and maintained at both agencies.

B. State Responsibilities

- 1. The CDHS is required to:
 - a. Complete and submit a State Plan;
 - b. Select and enter into contracts with RAs to administer the program in designated areas of the State;
 - c. Determine caseload needs and submit caseload requests to FNS;
 - d. Assign caseload and allocate administrative funds to RAs;
 - e. Establish eligibility requirements;
 - f. Establish nutritional risk criteria and residency requirements for clients;
 - g. Establish a financial management system that effectively accounts for funds received for program administration;
 - h. Develop a plan for the detection and prevention of dual participation;
 - i. Develop a plan for providing nutrition education to participants;
 - j. Establish an appeals and fair hearing procedure for RAs and clients;
 - k. Develop a management review system and conduct reviews of RAs;
 - l. Determine and pursue claims and establish standards for pursuit of claims against clients;
 - m. Ensure compliance with Federal audit requirements;
 - n. Provide guidance to RAs; and
 - o. Ensure that program participation does not exceed the State Agency's caseload allocation on an average monthly basis.

C. State Plan

- 1. The CDHS must submit for approval by the appropriate FNS Regional Office a plan which contains:
 - a. The names and addresses of all RAs under contract with the State and eligible subrecipient agencies under agreement with a RA;

- b. Income eligibility standards to be used for children and the options to be used relating to income or other eligibility requirements;
 - c. A description of plans for serving children and elderly clients and the caseload needed to serve them;
 - d. A description of plans for conducting outreach to the elderly;
 - e. A description of the system for storing and distributing commodities;
 - f. A description of plans for providing nutrition education to clients;
 - g. A plan for the detection and prevention of dual participation;
 - h. A description of the standards the CDHS will use in determining if the pursuit of a claim against a client is cost-effective;
 - i. A description of the means by which the CDHS will meet the needs of the homebound elderly; and
 - j. Copies of all agreements entered into by the CDHS.
 - 2. The plan will be updated through the Mountain Plains Regional Office (MPRO) as necessary.
- D. RA Administration
 - 1. RAs administer the CSFP in the service region outlined in their contract. The RA is responsible to ensure that CSFP distribution is conducted monthly in every county in their service region.
 - 2. RAs may enter into agreements with other eligible RAs to ensure a monthly distribution in each county in their service region.
 - 3. Prior to making CSFP foods and/or funds available, the following must be completed.
 - a. FDP-CO-180, Agreement Between Local Agency and Distributing Location. RA's may include a CDHS approved addendum to FDP-CP-180.
 - b. FDP-CO-300, Civil Rights Pre-Compliance Form.
 - c. A review of the ability of the agency to operate the program in accordance with Federal and State requirements.
 - d. A review of the need for the program in the projected service area of the local agency.
 - e. A review of the resources available (caseload and funds) for initiating a program in the local area.
 - f. For nonprofit agencies, a review of the tax-exempt status and collection of the appropriate documentation.
- E. RA Responsibilities

1. RAs are required to:
 - a) Determine eligibility of applicants in accordance with eligibility criteria established by the CDHS;
 - b) Comply with fiscal and operational requirements established by the CDHS;
 - c) Work closely with the CDHS to ensure that the caseload allocation will be served and that the number of clients served each month will not exceed the caseload allocation;
 - d) Issue USDA Foods to clients in accordance with the established food package guide rates;
 - e) Provide nutrition education and information on the availability of other nutrition and health assistance programs to clients;
 - f) Inform applicants of their rights and responsibilities to participate in the program;
 - g) Meet the special needs of the homebound elderly, to the extent possible;
 - h) Enter into required agreements;
 - i) Order USDA Foods for distribution;
 - j) Properly and safely store and distribute USDA Foods;
 - k) Establish procedures for resolving complaints about USDA Foods;
 - l) Comply with civil rights requirements;
 - m) Maintain accurate and complete records;
 - n) Conduct program outreach and provide clients with referrals; and
 - o) Annually review and record the tax-exempt status of nonprofit RAs under agreement.

IV. Financial Requirements

A. Financial Management System

1. The RA must maintain a financial management system that provides accurate, current, and complete disclosure of the financial status of the CSFP operation. This system must ensure the following.
 - a. Accounting records are supported by source documentation, including canceled checks, paid bills, payroll, and contract and sub-distributing award documents.
 - b. Records identify the source and application of funds and contain information about program reimbursements paid by the CDHS, authorization, obligations, unobligated balances, assets, liabilities, outlays, and income.

- c. Records include accurate, current, and complete reports concerning program participation and the financial results of the program.
- d. Audits are conducted as required by [Food Distribution National Policy Memorandum FD-037](#), to determine the fiscal integrity of financial transactions and reports and compliance with laws, regulations, and the CDHS guidelines.
- e. A systematic method to resolve audit and review findings and recommendations.

B. Allowable Administrative Costs for Reimbursement

- 1. Administrative labor costs including salaries and benefits for administrative personnel, e.g., secretaries and accountants. Each element of an individual's compensation must be reasonable for the services provided by the individual and conform to the RAs written compensation policy.
- 2. General administration, including but not limited to, personnel, warehousing, and insurance.
- 3. Transporting USDA Foods and administering the food distribution program.
- 4. Monitoring and reviewing CSFP operations.
- 5. The cost of establishing and maintaining accounting and other information systems required for management of the nonprofit food service. (The RA may not claim the cost of maintaining central accounting records to meet all of the organization's requirements.)
- 6. The cost of audits required for the administration and management of the program.
- 7. Nutrition education services provided to clients.
- 8. Nutrition education training for agency staff.
- 9. Interpreters and translators for CSFP materials.
- 10. Outreach services.
- 11. The cost of advertising media to solicit bids for the procurement of program goods and services, recruitment of personnel for the nonprofit food service, and disposal of scrap or surplus materials acquired in the performance of the nonprofit food service. Advertising media include newspapers, magazines, radio and television, direct mail, World Wide Web pages, and trade papers.

12. The costs of supplies and services such as telephone, fax, license fees for electronic mail software, internet services, postage, and messenger services. Costs must be prorated accordingly.
13. Equipment for administration of the program.
 - a. To be classified as equipment, an item must cost at least \$5,000 per unit and have a useful life of at least one year.
 - b. Instead of using depreciation, an organization, with specific prior written approval, can charge the program for certain types of equipment at the time the items are purchased. The RA must keep invoices, bills of sale, purchase orders, leases, contracts, and procurement documents to meet documentation requirements.
14. Space and facilities costs may be charged through rental/lease fees or depreciation. Whether in privately or publicly owned buildings, the total cost for space and facilities cannot exceed the rental costs of comparable space and facilities for privately owned buildings in the same locality.
15. Insurance costs that are required for the administration of the program.
16. Legal expenses required for the administration of the program. However, the RA may not claim the cost of maintaining a legal staff with general responsibilities.
17. Materials and supplies include durable supplies and expendable materials and supplies.
 - a. Durable supplies have a life expectancy of one year or more and include desks, chairs, and computers. Durable supplies are charged to the program at the time of purchase.
 - b. Expendable materials and supplies have a life expectancy of less than one year and include copy paper, pens, and pencils. Expendable materials and supplies are charged to the program as they are used each month.
18. Meetings and conferences include federal, state, county, national, or regional conferences. Meetings and conference costs are not the same as training costs. Allowable costs include:
 - a. Travel and registration fees for attending meetings and conferences devoted solely to the CSFP.
 - b. The prorated share of travel and registration fees when the CSFP is only a portion of a larger related agenda.
19. Membership/Subscription costs

- a. Civic, business, technical and professional organizations and subscriptions to professional and technical periodicals are included in this category
 - b. Membership fees and annual dues for the organization's membership in business, technical, and professional organizations related to the program.
 - c. Membership fees and annual dues for one individual membership per organization in business, technical, and professional organizations related to the nonprofit food service when the organization will only accept individual and not organizational memberships.
 - d. Costs for the organization's subscription to periodicals related to the nonprofit food service.
- 20. Travel costs are expenses for transportation, lodging, and related costs for employees, officers, directors, or trustees performing program work.
 - a. Costs for travel may be charged on an actual per diem or mileage basis provided that the method used results in charges consistent with those normally allowed by the RA in its non-program operations.
 - b. The CDHS cannot require that the RA use the state, federal GSA, or IRS mileage and travel rates instead of the rates used for non-federally funded travel. However, the CDHS can limit the amounts charged for mileage or other travel costs when the amount requested is unreasonable or when the requested rate will divert needed financial resources from activities required to meet CSFP requirements.
- 21. If an employee uses his/her own vehicle to conduct administrative business, the reasonable cost is an allowable administrative cost. The RA must document mileage expenses to include records of:
 - a. The date of each trip,
 - b. The drivers name,
 - c. The mileage,
 - d. The origin and destination of each trip,
 - e. Parking costs, and
 - f. The reason for each trip.
- 22. Publication, printing, and reproduction include the costs for in-house and outside publication, printing, and reproduction costs. All allowable costs are limited to the direct costs for publication, printing, and reproduction of materials related solely to the program, or the prorated share when necessary.

23. Costs of utilities, purchased security, and janitorial service, etc., not already included in space costs or labor compensation costs.
24. Costs for supplies, storage, and maintenance of records necessary for the administration of the CSFP.
25. Lease costs for space, facilities, vehicles, and equipment for use in the CSFP. Rental fees must be prorated when necessary. Written rental agreements must be properly procured from a third party.
26. An organization's cost for providing training to administrative staff.

C. Unallowable Costs

1. The following are examples of unallowable costs:
 - a. Administrative costs not approved by the CDHS.
 - b. Bad debts.
 - c. Contingencies.
 - d. Contributions and donations.
 - e. Entertainment.
 - f. Fines and penalties.
 - g. Fund raising.
 - h. Interest and other financial costs, such as insufficient funds/returned check charges and late payment fees.
 - i. Legislative expense.
 - j. Political or partisan costs.
 - k. Under-recovery of costs under grant agreements (These are costs exceeding income in other federal programs, including all grant agreements regardless of funding source or program year. Also included are disallowed costs in the current or prior program years.).

V. Managing USDA Foods

A. Coverage of Contracted Service Area

1. The RA under contract with the CDHS assumes final administrative and financial responsibility for the distribution of USDA Foods within their contracted service areas.
2. Efforts to meet the needs of eligible clients in a RA's service area should include:

- c. Improving eligible individuals accessibility to USDA Foods,
 - d. Meeting special needs of the elderly, persons with disabilities, homebound individuals, and persons with transportation difficulties in plans to expand or improve program services, and
 - e. Cooperating with the CDHS to identify areas within a contracted service area where eligible RAs or non-food bank certifying entities may be needed.
 - 3. At its discretion, the CDHS may require an RA to expand services to areas not presently being served.
- B. Receipt of USDA Foods
- 1. RAs and their subrecipient agencies, distribution sites, and others authorized to possess USDA Foods must ensure that the USDA Foods are safeguarded.
 - 2. Any entity that stores USDA Foods for any period of time must have an active CSFP Agreement and become familiar with and adhere to state and local health codes that apply to stored food products.
 - 3. The USDA provides for the transportation of USDA Foods to the RA.
 - 4. Federal program shipping policy allows for two stops and a final drop on loads with a minimum amount of $\frac{1}{4}$ of a truck drop at any one stop. This means that a truck may make a maximum of three stops with a minimum drop of $\frac{1}{4}$ of a truck.
 - 5. The RA and the CDHS receive notifications from WBSCM or the Federal warehouse when orders are shipped.
 - 6. Direct Delivery ONLY:
 - a. Shippers may occasionally contact the CDHS or warehouse requesting an early delivery prior to the contracted ship period. It is within the discretion of the warehouse to accept product early.
 - b. The USDA reserves the right to change the shipping period, exchange ordered product with like product, or cancel orders.
 - 7. When a shipment is delivered, the receiving facility must:
 - a. Validate the truck seal is intact and matches the Bill of Lading.
 - b. Obtain the bill of lading.
 - c. Check the temperature of the load.
 - d. Check overall condition of the load.
 - e. Count the product and note any damage, overage, and/or shortage of product on the Bill of Lading with a signature and date.

8. Once a Bill of Lading is signed, title is transferred to the RA.
 1. By signature of the RA, the RA assumes liability and will be held financially responsible for product shown on the Bill of Lading.
 2. All orders must be receipted in WBSCM within two (2) calendar days of receipt.
 3. NOTE: Do NOT receive shipments in WBSCM until the Bill of Lading is signed.
 4. If there is a problem, the CDHS must be notified immediately.
 - (1) The CDHS will contact the USDA and work with all parties to resolve the problem.
 - (2) All goods must be receipted in WBSCM. This notifies the USDA of overages/shortages/etc. However, if problems are determined at the time that the USDA Foods are received, they must be entered into WBSCM immediately.
 - (3) Information must include the sales order number, number of cases in the order, time truck arrived, time truck left, type and amount of damaged product, and overage and/or shortage of product.
- C. Storage and Handling
 1. Every effort must be made to reduce loss due to spoilage, pest infestation, and theft by following accepted warehousing methods.
 2. Acceptable warehouse and storage practices include, but are not limited to the following.
 - a. Keep all food 6" off floor and stored on pallets, platforms, or shelves.
 - b. Keep all food 4" away from walls. This promotes air circulation and accommodates pest control.
 - c. Keep all non-food items separate from food. Toxic items such as soap, bleach, cleaning supplies, etc., must be kept away from food items.
 - d. Keep floors, pallets and shelving clean.
 - e. Keep doors, windows, and roofs well sealed to prevent pest entry and water damage.
 - f. Maintain proper temperatures in all food storage areas.
 - g. Maintain a good pest control system.

- h. Have a qualified person on staff or a contract with a licensed firm to manage a pest infestation.
- i. Maintain equipment to include a regular check for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.,
- j. Maintain thermometers in all freezer and refrigeration units and dry storage areas.
- k. Maintain temperature logs for each area.
- l. Assure inventory rotation so that the product expiring first is issued to the client first.

D. Dry food storage

- 1. Dry food products should be stored:
 - a. At 50° - 70° F;
 - b. Away from direct sunlight; and
 - c. In a clean and secure storage area that is inspected regularly.
- 2. Rules for stacking food products are:
 - d. Limit the height of the stack so cases of food on the bottom layers will not be crushed;
 - e. Cross-stack cases on pallets to ensure the stack will be sturdy and solid and will not tip when being moved;
 - f. Shrink wrapping pallets to provide added stability; and
 - g. Stack cases away from potential damage by heat, steam, or water.

E. Refrigerated and frozen food storage

- 1. Food products requiring refrigeration must be:
 - a. Refrigerated at temperatures of 35° - 40° F;
 - b. Stored to allow for proper air circulation; and
 - c. In a refrigerator that is clean, secure, and inspected on a regular basis.
- 2. Frozen food products must be stored:
 - a. Frozen at a temperature of 0° F or below;
 - b. To allow for proper air circulation; and
 - c. In a freezer unit that is clean, secure, and inspected on a regular basis.

F. Maintenance of Storage Area

1. An ongoing system of pest control is required. Pest controls such as traps and glue boards are recommended. Place traps along walls and near doorways, moving the traps monthly.
2. Poisons may only be used by a licensed professional.
3. Ensure there is a cleaning schedule established listing the necessary frequency of cleaning for each location.
 - a. Floors, including under pallets, should be swept and cleaned at least monthly.
 - b. Floors in high traffic areas require regular cleaning.
 - c. Area soiled by spillage or breakage must be cleaned immediately.
 - d. Broken pallets should be discarded and dirty pallets cleaned.
4. Empty pallets should be stored apart from food products.
5. Maintenance of the exterior of the warehouse must not be overlooked.
 - a. The building grounds should be inspected regularly for signs of fire hazard, pest infestation, security problems, and needed repairs.
 - b. An eighteen-inch exterior barrier of weed and grass control must be maintained to facilitate inspections.
 - c. Garbage, waste, or rubbish must be disposed of frequently and not allowed to become nesting areas for pests.

G. Inventory Requirements

1. RAs must maintain complete and accurate records of USDA Foods received and distributed. RAs must differentiate between USDA Foods and other purchased or donated foods. All locations that receive USDA Foods are responsible for good inventory management. Good practices include:
 - a. Requesting only an amount of food that can be used without waste;
 - b. Preventing excess inventory levels; and
 - c. Detecting damage or spoilage.
2. FDP-CO-153, CSFP Monthly Inventory Form must be completed on the last working day of each month and submitted to the CDHS by the 5th of the following month.

A. Hold and Recall Procedures

1. The USDA Foods hold and recall process is used when a food safety issue is raised regarding a purchased USDA Foods product. If a USDA Foods product is placed on hold or is recalled, the USDA, FNS, CDHS, RA(s), and

(when necessary) subrecipient agencies will work together to expeditiously resolve the problem.

2. The RAs are required to assign one staff member to be their Food Safety Coordinator and one staff member to serve as the Alternate Food Safety Coordinator. The RA will provide the CDHS with staff member names, titles, e-mail addresses, and phone and fax numbers. The Food Safety Coordinator or alternate will act as a liaison between the RA and the CDHS.
 1. The above data must be kept current on a continuous basis.
 2. The CDHS must be promptly notified of any changes.

B. Complaints About USDA Foods

1. The USDA makes every effort to ensure that USDA Foods provided through CSFP are nutritious and of the highest quality. However, if there are concerns with the quality or safety of any USDA Foods item, a complaint should be filed. Complaint Form FDP-CO-400 is available on the FDP website and should be filed through the RA who will work with the CDHS.
2. RAs are responsible for collecting the appropriate information regarding the product and nature of the complaint so that an investigation can be pursued by the CDHS or the USDA. A completed form must be submitted to the CDHS within five business days of receipt of the complaint.
3. The CDHS will enter complaints into the WBSCM when appropriate. If replacement of USDA Foods is being sought, the recipient must keep the defective product until the CDHS provides instructions on what to do with it.
4. The information needed to complete the form is the:
 1. Complainant name, phone, and email,
 2. Date of incident,
 3. Date complaint received,
 4. Description of complaint and resolution sought by complainant,
 5. Contact information for receiver of the complaint, and
 6. The USDA Foods information.
5. The product material number and sales order number are available on the Bill of Lading.

C. Distribution Priorities of USDA Foods

1. The CDHS and RAs must serve all CSFP applicants on a first-come, first-served basis.
 1. When caseload is available, approved applicants will be served as soon as feasible.
 2. When there is not a caseload slot available, an approved applicant will be immediately notified of their status on an established wait list.
 2. In areas where both CSFP and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) operate, distribution sites will refer women, infants, and children to WIC. RAs will continue distribution to the WIC eligible population through their allowed certification timeframe outlined in [VI.H. Determining Eligibility](#).
 - a. The WIC program provides greater accessibility to health care and nutrition education.
 - b. RAs may not turn away children who prefer the CSFP if the child was certified before February 8, 2014.
- D. Distribution to Program Recipients
1. The method of distributing USDA Foods directly to clients is subject to the review and approval of the CDHS. At a minimum, USDA Foods must be distributed monthly, in an equitable manner on a first-come, first-served basis.
 2. CSFP clients are required to present some form of personal identification to receive food packages. Examples include a driver's license or a recent bill with identifying information including client's name and address.
 3. RAs may not distribute food packages to clients retroactively. If a client is unable to collect a food package, the RA may not keep the food package to be picked up at a later date or provide an additional food package the next month.
 4. RAs should, as much as possible, continue service to clients who are physically unable to pick up food packages. This may be accomplished with the use of proxies.
 - a. A client may assign a proxy or authorized representative to pick up food for the client.
 - b. If the client wants to assign a proxy to be able to pick up food packages, the client must designate a proxy, in writing, to the RA. Written authorization must include the time frame of the proxy designation.
 - c. The RA must keep proxy designations on file.

- d. The proxy is required to show identification when claiming the food package for the client.
- e. The RA must ensure that the client still receives nutrition education.
- f. The RA must have processes in place to detect fraud and prevent clients from receiving benefits at multiple locations.

E. Distributing Quantities

- 1. A USDA Food package is made available to each client monthly.
- 2. Food packages will be assembled per USDA, Food and Nutrition Services memorandum, [CSFP: Revised Food Package Maximum Monthly Distribution Rates](#).
- 3. RAs will have a procedure to allow clients to refuse any food item they cannot use or do not want.
 - a. The procedure must include a process for accurate management of inventory.
 - b. Refusal of food may not be supplemented with other USDA Foods.

F. Damaged and / or Out-of-condition Product

- 1. All USDA Foods must be inspected upon receipt. Hidden damage may be found after the product has been accepted into the warehouse.
- 2. All incidents of damage and/or out-of-condition product must be reported to the CDHS. When reporting incidents of damaged or out-of-condition product, the following information must be reported to the CDHS.
 - a. RA name, address, and phone number;
 - b. USDA Food information (commodity code, amount, date received);
 - c. Type of damage or loss;
 - d. Information on how the loss was discovered;
 - e. The RA contact person;
 - f. Date that the damage/loss was discovered, and
 - g. Sales Order Number.
- 3. Before disposing of infested or spoiled USDA Foods, a RA must report the incident to the CDHS. The CDHS will provide the RA with a claim determination and instructions for food disposal.
- 4. An RA is required to establish a procedure to record instances of damage and/or loss of USDA Foods by its eligible subrecipient agencies. The procedure will include the collection of the following information.

- a. RA name, address, and phone number;
- b. USDA Food information (commodity code, amount, date received);
- c. Type of damage or loss;
- d. Information on how the loss was discovered;
- e. The RA contact person;
- f. Date that the damage/loss was discovered, and
- g. Sales Order Number.

G. Prohibited Activity

1. An RA and their network understand that USDA Foods are not to be sold, exchanged, or used for personal gain.
2. An RA and their network are prohibited from repackaging USDA Foods unless exceptions are granted with prior USDA approval. All requests for repackaging must be submitted to the CDHS in writing.
3. No USDA Foods are to be opened, altered, or removed from unit containers except for use in food preparation demonstrations.
4. An RA and their network must not require, solicit, or accept payment from CSFP applicants or clients or it's eligible subrecipient agencies in money, materials, or services for, or in connection with, receiving USDA Foods. Additionally, USDA Foods must not be sold or disposed of through commercial methods.
5. This policy does not restrict any person or persons from volunteering services in their communities, as they choose, when such volunteer services are not conditions for receiving USDA Foods.

H. Unrelated Activities Requirement

1. A person(s) conducting an activity at a USDA Foods distribution site that is unrelated to USDA Foods distribution must:
 - a. Make it clear that the activity is not a part of the CSFP, is not endorsed by USDA or the CDHS, and is not a condition for receiving USDA Foods; and
 - b. Ensure that the activity does not disrupt the serving of meals or distribution of USDA Foods.
2. The CDHS investigates claims of violations of "unrelated activity" requirements by the RA. The RA investigates claims of violations by its subrecipient agencies.

3. Claims of "unrelated activity" violations may include the distribution of written material on or with food packages provided to program recipients from sources other than federal, state, or recipient governments.

VI. Client Eligibility

A. Client Application

1. All persons who wish to apply for CSFP benefits must complete Form FDP-CO-120, CSFP Eligibility Application.
2. At the time of application, the RA will:
 - a. Check identification of each applicant;
 - b. Verify applicant residence to determine the applicant resides in the area served;
 - c. Determine if the household's income meets eligibility guidelines;
 - d. Inform applicants that program standards are applied without discrimination by race, color, national origin, age, sex, or disability;
 - e. Inform the applicant of his/her rights and responsibilities as outlined in section [VI.F](#) of this document; and
 - f. Ensure that the applicant or the adult parent or caretaker of the applicant signs the application form.

B. Applicant Identification Requirements

1. Acceptable identification must be issued by a State or Federal Agency in compliance with the [Colorado Secure and Verifiable Identity Documents Act of 2003 \(Colorado Revised Statute 24-72.1-103\)](#). For acceptable forms refer to the Colorado Department of Revenue list provided [here](#).
2. For a child client, an immunization record, birth certificate, or other record that the RA personnel consider adequate identification shall be acceptable.

C. Residential Eligibility

1. Applicants must reside within a designated CSFP service area on the day of certification to be eligible to participate in CSFP.
2. There are no citizenship requirements for participation in CSFP.

D. Income Eligibility

1. Children certified prior to February 6, 2014: Household income at or below 185% of the Federal Poverty Income Guidelines OR, regardless of the household's actual income, the applicant is:

- a. Certified as eligible to receive SNAP, TANF, or Medical Assistance (i.e., Medicaid), or
 - b. A member of a family that is certified eligible to receive TANF.
 - 2. Elderly Persons: Household income at or below 130% of the Federal Poverty Income Guidelines.
 - 3. Income eligibility guidelines are available on the FDP website at: <https://www.colorado.gov/pacific/cdhs/food-distribution-programs>.
- E. Determining Household Income
- 1. Applicants may self-declare income based on the following criteria. Self-declaration does not prevent an RA from verifying income under consistently applied circumstances. Should a need arise for an RA to verify income; a written practice should be in place.
 - a. When determining household income, the client will consider the total gross income of all household members. Gross income is the household income before deductions. Qualifying income includes:
 - (1) Gross wages
 - (2) Earning from self-employment (excluding overhead expenses),
 - (3) Retirement or disability benefits,
 - (4) Veteran's, worker's, or unemployment compensation,
 - (5) Social Security,
 - (6) Alimony or child support,
 - (7) Regular contributions from persons not living in the household,
 - (8) Scholarships, educational grants, fellowships, or Veteran's educational benefits not used to pay tuition and mandatory fees,
 - (9) Dividends, interest, and other payments which benefit the household,
 - (10) Income from roomers or boarders,
 - (11) Adoption subsidies, and
 - (12) Other cash income that includes, but is not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which are readily available to the family.
 - b. The following items are excluded from consideration as income for households and children when determining program eligibility:
 - (1) Payments or benefits provided under federal programs or acts, i.e., SNAP, LEAP, etc.,

- (2) One-time lump sum payments such as insurance settlements,
- (3) In-kind income, and
- (4) Vendor Payments.

c. Determining Foster Child Income

- (1) The income of a foster child is considered separately from the income of other members of the foster child's place of residence.
- (2) A foster child's income includes payments made by the state, money earned from a job, funds provided by the child's family, or any other source of money that is intended for the personal use of that child. Personal use money includes funds for clothing, school fees, and an allowance, and is considered to contribute to household income.
- (3) If funds are not specifically identified for the child's personal use, income from the foster child is 0.

F. Applicant Rights and Responsibilities

- 1. The RA will provide each applicant notification of the following applicant rights:
 - 1. The applicant's right to receive notification of a decision to deny or terminate CSFP benefits and the right to appeal this decision by requesting a fair hearing,
 - 2. The applicant's right to participate in nutrition education that is provided to all adult clients and to parents or caretakers of child clients, and
 - 3. The applicant's right to information and referrals to other nutrition, health, and social programs.
- 2. The RA will provide each applicant notification of the following client responsibilities:
 - 1. Improper use or receipt of CSFP benefits as a result of dual participation or other program violations may lead to a claim against the individual to recover the value of the benefit and may lead to disqualification from CSFP, and
 - 2. Clients must report changes in household income or composition within 10 days after the change becomes known to the household.

G. Dual Participation

- 1. The RA must attempt to detect and prevent individuals from participating in CSFP and WIC at the same time. The RA must:

1. Inform applicants of the illegality of dual participation in WIC and CSFP, and
2. Verify the identification of each client, and
3. Enter into an agreement with the local WIC agency. The agreement must include:
 - (1) That the RA will provide, at least quarterly, to the local WIC office, a list of CSFP client names, and
 - (2) The RA will immediately initiate the disqualification process for CSFP applicants found participating in WIC and CSFP simultaneously. Refer to [VI.N. Notification Requirements for Applicants and Clients](#) for more notification requirements.

H. Determination of Eligibility

1. Only those applicants who are included in one of the following categories will be eligible to participate in the CSFP:
 1. Children at least one year of age, but who have not reached their sixth birthday, providing that they were certified on the program prior to February 6, 2014; or
 2. Elderly persons at least 60 years of age.
2. Effective February 9, 2014, CSFP is authorized as a Seniors Only program. Only previously eligible CSFP non-elderly clients will have continued access until the eligibility period expires. If an applicant is not included in one of these categories, the applicant is deemed ineligible to participate in CSFP and proper notification is provided as outlined in [VI.M. Notification Requirements for Applicants and Clients](#).
3. After reviewing all data elements on the application, the RA must determine the applicant's eligibility by selecting one of these options:
 - a. Eligible: Only those applicants who meet all eligibility criteria are eligible for CSFP benefits.
 - b. Eligible - Waiting List: Only those applicants who meet all eligibility criteria are eligible for CSFP benefits. However, when there are no funds available to provide program benefits or if available caseload has been allocated, the RA must maintain a waiting list of individuals who applied for CSFP benefits. [Refer to VI.I. Waiting Lists for more information.](#)
 - c. Ineligible: If an applicant does not meet all eligibility criteria, then the applicant is ineligible for CSFP benefits. Refer to [VI.M. Notification Requirements for Applicants and Clients](#) for more information.

I. Waiting Lists

1. When an applicant is eligible but the RA does not have sufficient caseload or funding to provide service to the client, the RA must retain a copy of the application and issue form FDP-CO-700, Notification of Waiting List Status to the applicant.
 1. The applicant will be determined eligible but not certified.
 2. The applicant will be placed on the Waiting List by date of application and will be certified on a first come first serve basis as caseload becomes available.
 3. When an applicant is certified after being on a waiting list, the applicant must review and update the CSFP application and sign and date below their original signature.
2. To facilitate caseload management, the State authorizes one-month certification periods to be offered to waiting list applicants when food boxes remain undistributed at the end of the monthly distribution period.
 1. Sites must establish a monthly distribution period end date prior to the end of the distribution month. All participants must be notified of the distribution period and the "No Show" policy when boxes are not picked up during the monthly distribution period.
 2. When there are 'No Shows' or when boxes remain undistributed at the end of the monthly distribution period, sites may offer a one-month certification to individuals on the waiting list starting with the first person on the list.
 3. Applicants that are offered a one-month certification must sign Form FDP-CO-702, Temporary Certification Statement and Sign-in, thus certifying the applicant understands that the period of certification is one month and that the applicant will remain on the waiting list after receiving one food package.
 4. This process may be repeated each month that there are undistributed food packages at the end of the monthly distribution period. Each time this process is repeated, the certifying official must start with the first person on the waiting list.
3. If an 'official' waiting list impedes an agency in achieving their mission, the agency must provide the CDHS a plan to collect data to reflect the number of potential clients that could be served above the allocated caseload.

J. Certification Period

1. Certification may not exceed twelve (12) months in length from the date that the applicant is deemed eligible and certified.
2. Clients will be recertified annually for two (2) additional twelve (12) month periods.
3. Clients will complete a new application every three (3) years.
4. Program benefits will be continued until the end of the month in which ineligibility begins, example: until the end of the month in which a child reaches their sixth birthday).

K. Recertification

1. One year after an applicant is certified, the applicant will complete a recertification process that verifies:
 1. The client's address and continued interest in participating in the program; and
 2. That there is sufficient reason to determine that the client still meets the income eligibility standards, which may include a determination that the client has a fixed income.
2. Recertification will be completed on form FDP-CO-121, Recertification Form.

L. Transfer of Certification

1. If a client intends to relocate during the certification period, the RA must work with the responsible RA serving the client's new address.
2. The forfeiting RA will provide the client with the contact information of the responsible RA serving the client's new address.
3. The forfeiting RA will provide the receiving RA with the client's Commodity Supplemental Food Program Application (form FDP-CO-120).
4. The receiving RA will continue CSFP benefits for the client without service disruption.
5. When there are no funds available to provide program benefits, or if available caseload has been allocated, the transferring client shall be placed on the waiting list ahead of all waiting applicants. Refer to [VI.J. Waiting Lists for additional instructions.](#)

M. Notification Requirements for Applicants and Clients

1. Applicants must be notified of their eligibility, ineligibility, or placement on a waiting list within 10 days of application.

2. Notice of eligibility must include means of food distribution, location, time, and the length of the certification period.
3. Notification of ineligibility must be in writing and include:
 - a. The reason the applicant is not eligible,
 - b. A statement of the applicant's right to a fair hearing to appeal the decision, and
 - c. A statement that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.
4. Clients must receive written notification no less than 15 days prior to the end of their certification period. The notification must include a statement that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.
5. Clients who are discontinued or disqualified (i.e., lack of funds, failure to pick up USDA Foods, fraud, dual participation, etc.) must receive written notification no less than 15 days prior to the effective date of discontinuance. The notification of discontinuance must include:
 - a. Effective date of discontinuance,
 - b. Reason for the client's discontinuance,
 - c. A statement of the applicant's right to a fair hearing to appeal the decision, and
 - d. A statement that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.

N. Disqualification

1. The CDHS may disqualify applicants and clients from participating in CSFP if it is established that the applicant, client, parent, or caretaker fraudulently applied for or obtained CSFP benefits.
2. Fraud includes, but is not limited to, the following actions if they are taken knowingly, willfully, and deceitfully:
 - a. Making false statements orally or in writing in order to obtain benefits to which the individual would not otherwise be eligible.
 - b. Concealing information in order to obtain benefits to which the individual is not eligible.
 - c. Altering CSFP documents for the purpose of receiving increased benefits to which the individual is not eligible or for the purpose of transferring benefits to an unauthorized individual.
 - d. Participating in the CSFP at more than one site.

- e. Using supplemental foods in an unauthorized manner, such as trading or selling the foods.
 - f. Participating in both the CSFP and WIC simultaneously.
- O. Confidentiality
 - 1. The RA will not keep copies of any information to determine eligibility other than the application.
 - 2. The RA must protect the confidentiality of any information that has been provided on an application for eligibility.
 - 3. Client Information may only be used to determine eligibility for program benefits.
 - 4. A client's personal information may not be released. However, summary information, such as the number of clients eligible for benefits, may be released.

VII. Nutrition Education

- A. Purpose of Nutrition Education
 - 1. To provide both immediate and long term improvement in the health status of clients, the RA shall make nutrition education available to all adult clients and, where possible, to the children themselves.
 - 2. Nutrition education shall be thoroughly integrated into program operations and shall have the dual purpose of ensuring the CSFP foods are used properly and of providing knowledge that encourages continued selection and consumption of nutritious foods necessary for good health.
- B. Nutrition Education Goals
 - 1. To demonstrate and emphasize the relationship between proper nutrition and good health, with special emphasis on the nutritional needs of elderly persons 60 years of age or older.
 - 2. To effect a positive change in eating habits through maximum use of the supplemental foods within the context of ethnic, cultural, and geographical preferences.
- C. Nutrition Education Requirements
 - 1. The RA shall submit to the CDHS a plan for implementation of nutrition education for CSFP clients. Such plan shall be kept on file in both the CDHS and RA. If the RA makes significant changes to the Nutrition Education Plan during a given year, the agency shall submit such changes or updates to the State Agency to be included with their Plan.

2. The RA must provide nutrition education that can be easily understood by clients and is related to their nutritional needs and household situations.
 3. The RA must provide nutrition education that includes the following information, which should account for specific ethnic and cultural characteristics whenever possible:
 - a. The nutritional value of CSFP foods, and their relationship to the overall dietary needs of the population groups served,
 - b. Nutritious ways to use CSFP foods,
 - c. Special nutritional needs of clients and how these needs may be met,
 - d. The importance of health care, and the role nutrition plays in maintaining good health, and
 - e. The importance of the use of the foods by the client to whom they are distributed, and not by another person.
 4. The minimum nutrition education may be provided on an individual interview basis, through instructed nutrition education classes, or through written materials.
 5. RAs may partner with affiliates that provide similar courses to provide education component to clients.
 6. It is encouraged to conduct a nutritional assessment at the initial visit.
 7. Nutrition education shall be provided on an ongoing basis. Though the frequency of formal nutrition education classes depends upon the agency's financial ability to provide this service.
- D. Nutrition Education Evaluation
1. The CDHS shall periodically evaluate the effectiveness of their nutrition education programs.
 - a. This shall be accomplished by client input, such as via questionnaires or "client surveys," concerning basic nutrition and the use of supplemental foods.
 - b. Homebound elderly should be included in the evaluation process.
 2. Information provided by the completed questionnaires or other evaluation methods shall be considered in formulating future plans, goals, and objectives for the RA's nutrition education program.
 3. Copies of client survey results shall be kept on file at the CDHS and made available to RAs.

VIII. Record and Reporting Requirements

A. Records Retention Requirements

1. All program records are to be maintained for a period of three years from the close of the federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress.
2. The records must be reasonably accessible at all times for use during management evaluations, site reviews, audits, or investigations.

B. RA Records

1. Records include, but are not limited to:
 - a. Records documenting the receipt, disposal, and inventory of USDA Foods, including records documenting distribution to ERAs.
 - b. Records documenting any funds that arise from the operation of the program.
 - c. All records related to loss of or damaged USDA Foods.
 - d. All records related to program complaints.
 - e. All records related to client eligibility.
 - f. All records related to nutritional education.
 - g. Records related to Civil Rights complaints and training.
 - h. The RA's contract with the CDHS.
 - i. The RA's agreement with other subrecipient agencies.

C. Racial / Ethnic Data Report

1. This is an annual report of the number of actual beneficiaries by racial/ethnic category from clients applying for and/or participating in the program. This data is collected from form FDP-CO-120, Commodity Supplemental Food Program Application.
2. Clients must be given the opportunity to self-identify race and ethnicity and be informed that their responses to questions about their race and ethnicity will not affect consideration of their application.
 - a. If the client chooses not to self-identify race and ethnicity, the certifier or eligibility specialist must record the client's race and ethnicity based on visual observation.
 - b. Clients of multiple ethnic categories should be categorized according to appearance of the group with which they mainly identify.
 - c. Racial/ethnic categories include the following:

- (1) Race: American Indian or Alaska Native
 - (2) Race: Asian
 - (3) Race: Black or African American
 - (4) Race: Native Hawaiian or other Pacific Islander
 - (5) Race: White
 - (6) Ethnicity: Hispanic or Latino
 - (7) Ethnicity: Not Hispanic or Latino
3. After collecting this data, you must:
 - a. Annually complete the verification requirements covering the month of April and submit the results in an electronic format to the CDHS by June 1 of each year;
 - b. Maintain the original data by individual site with documentation of the sources and methods by which it was obtained;
 - c. Maintain the data and relevant documentation according to the record-keeping requirements described in [VIII.B. Recipient Agency Records](#); and
 - d. Establish safeguards to protect the confidentiality of the data.
- D. 153 Report
 1. The 153 Report is a monthly inventory and participation report. This report is submitted to the CDHS by the 5th day of every month to report previous month's inventory and participation.
 2. RAs must submit their reports in the format prescribed by the CDHS.

IX. Civil Rights

- A. RA Responsibilities
 1. The RA is responsible for ensuring that all persons have equal access to the program.
 2. RAs cannot discriminate in employment or program participation based on race, color, national origin, sex, age, or disability.
 3. RAs must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
 4. RAs must promptly investigate discrimination complaints received in connection with the distribution of USDA Foods.

5. RAs (including subrecipient agencies) must ensure that annual civil rights training is administered to all paid and volunteer personnel who interact with CSFP applicants and clients. Training must be documented and maintained according to the record-keeping requirements described in [VIII.B. Recipient Agency Records](#).
- B. Public Notification
1. The RA and each sub distributing agency must:
 - a. Display the USDA nondiscrimination poster ("...And Justice for All") in a prominent place that is visible to clients at all times,
 - b. Make program information available to the public upon request,
 - c. Be able to provide information materials related to the Commodity Supplemental Food Program (CSFP) in languages other than English, if the need exists,
 - d. Provide the following nondiscrimination statement and complaint-filing procedures in all applications and program-related information intended for current and potential clients:

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, audiotope, 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, 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.

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2. If the material is too small to permit the full statement to be included, the material will, at a minimum, include the statement, in print size no smaller than the text, that:

This institution is an equal opportunity provider.

C. Complaints

1. RAs and their network must have procedures for processing complaints.
2. All paid and volunteer personnel must be able to provide documentation of the procedures and an explanation of the complaint process.
3. If a complaint cannot be resolved at the RA level, the RA must submit form FDP - CO - 450 Complaint Form to the CDHS immediately.
4. The CDHS will seek the agency's voluntary compliance within 60 days of a complaint's initial filing. The CDHS will document recommendations for, and the achievement of voluntary compliance. If an agency does not voluntarily comply within the prescribed 60-day period, the CDHS will report the complaint to the regional office of USDA.

I. Religious and Faith Based Organizations

A. Written Notice of Beneficiary Rights

1. In accordance with 7 CR Part 16.4(g), if a beneficiary or prospective beneficiary of CSFP objects to the religious character of an organization that provides services under the program, the organization must promptly undertake reasonable efforts to identify and refer the beneficiary to an alternate provider, if available, to which the prospective beneficiary has no objection.
2. CSFP sub distributing agencies will refer all CSFP applicants and/or recipients that object to the religious character of the organization to the primary contact at their RA.

3. Religious or faith based sub distributing agencies will provide all CSFP applicants with a Written Notice of Beneficiary Rights at the time of certification.