



**COLO RADO**

**Office of Economic Security**

Division of Food & Energy Assistance

Food Distribution Programs

**The Emergency Food Assistance Program  
Policy and Procedure Manual for Food Pantries & Congregate Feeding Sites  
Effective April 11, 2024**

## The Emergency Food Assistance Program

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## I. Introduction

### A. Program Description

Welcome to The Emergency Food Assistance Program (TEFAP). This manual assumes your agency has been approved by one of our contracted food banks as a TEFAP agency in Colorado and have completed all the new agency requirements.

TEFAP is a federally funded [U.S. Department of Agriculture \(USDA\) program](#) that provides USDA Foods to low-income households and [congregate feeding sites](#). The Colorado Department of Human Services (CDHS), Division of Food and Energy Assistance, Food Distribution Programs (FDP) has an agreement with the USDA, Food and Nutrition Services (FNS) to administer TEFAP in Colorado. FDP publishes a Request for Proposal at least once every five years seeking applications to become a contracted food bank. The contracted food bank in turns seeks Recipient Agencies (RA) to distribute the food to neighbors.

TEFAP serves a dual purpose of supporting American farmers by purchasing surplus food which stabilizes prices, and to provide nutritional support for low-income neighbors. Like all federal nutrition programs, TEFAP is meant to be supplemental. It is not intended to provide all the ingredients for all meals a participant consumes. It is expected that a RA has other sources of food aside from TEFAP at every distribution.

We must all follow federal and state requirements. To learn more about the Code of Federal Regulations (CFR) [Title 7 CFR Part 251](#) and, as applicable, [Part 250](#), including all referenced guidance it contains. Because federal and state rules can seem daunting, we have simplified the guidance that applies to food pantries and congregate feeding sites, referred to in TEFAP as Recipient Agencies (RA).

FDP hopes this manual is helpful. We welcome all questions and feedback as you familiarize your organization with TEFAP. The basis of all our work is to treat everyone with kindness, respect, fairness, and dignity through following this guidance and provide excellent customer service.

Our team can be reached via email at [CDHS\\_FDP@state.co.us](mailto:CDHS_FDP@state.co.us) or 303-866-5106.

## B. 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.
Bill of Lading (BOL):	A detailed list of a shipment of goods in the form of a receipt given by the carrier to the person purchasing or receiving the goods. This may also be known as an “invoice” by food banks.
Capital Equipment:	Capital Equipment is an article of nonexpendable, tangible property with a useful life of more than one year, and an acquisition cost of \$5,000 or more per unit. The \$5,000 threshold includes: <ul style="list-style-type: none"> <li>• The item itself</li> <li>• Expenditures necessary to put the item in place; and</li> <li>• Ancillary charges such as taxes, duty, protective in-transit insurance, freight, and installation costs.</li> </ul>
Code of Federal Regulations (CFR):	Contains the regulations governing all federal programs. Regulations for TEFAP are 7 CFR 251 and 7 CFR 250.
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. <a href="https://cdhs.colorado.gov/">https://cdhs.colorado.gov/</a>
Commodity (Commodities):	Food made available for USDA Foods program distribution by the United States Department of Agriculture (USDA) through legislation. Also known as USDA Foods;
Congregate Feeding Site:	A public, private nonprofit or religious organization with a site that offers prepared, nutritious meals free of charge to predominately needy people in a congregate or take-home setting.
Consignee:	An entity (e.g., Food bank, food pantry, or commercial storage facility) that receives a shipment of USDA Foods from a vendor or Federal storage facility.
Contractor:	A person or company that undertakes a contract to administer a USDA Foods program with the State of Colorado.
Corrective Action:	A plan created to address non-conformance to Federal or State rules, or the State Plan. Corrective actions lead to performance improvement.

Distributing Agency (DA):	The State agency under agreement with Food and Nutrition Services to administer Child Nutrition and Household USDA Foods Programs. In Colorado, the Colorado Department of Human Services is the Distributing Agency.
Entitlement:	USDA funds allocated to Distributing Agencies to purchase USDA Foods.
Federal Fiscal Year (FFY):	A twelve-month period used for accounting and reporting purposes, October 1 through September 30.
Federal Poverty Level:	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 participants. The guidelines are updated annually.
Food and Nutrition Service (FNS):	An agency of United States Department of Agriculture (USDA) responsible for the nationwide administration of several federal nutrition programs including USDA Foods programs.
Food Distribution Programs (FDP):	The work unit within the Colorado Department of Human Services (CDHS) that administers federal USDA Foods programs in the State of Colorado. <a href="https://cdhs.colorado.gov/benefits-assistance/food-assistance/food-distribution-programs">https://cdhs.colorado.gov/benefits-assistance/food-assistance/food-distribution-programs</a>
Food Pantry:	A public, private nonprofit or a religious organization with a physical distribution site that distributes food and grocery products to low-income households, including food from sources other than USDA, to relieve situations of emergency and distress on a regular basis.
Homeless Shelter:	A facility where the primary purpose is to provide temporary or transitional shelter for individuals and families experiencing homelessness in general or for specific group populations (i.e., fleeing violence, run-away youth).
Household:	A group of related or non-related individuals living as one economic unit who buy and cook food together 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 can also mean a single individual living alone.
Management Evaluation (ME):	A process to assess the accomplishment of and compliance to, federal program objectives as provided under regulations, the State Plan, and the written agreement with FNS. The review may result in the identification of good practice and/or corrective action.
Mountain Plains Regional Office (MPRO):	USDA/FNS Regional Office, headquartered in Denver, Colorado, responsible for USDA programs in Colorado, Kansas,

	Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
Network:	Food bank member agencies responsible for the provision of emergency and supplemental food services.
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:	Food products which appear to be contaminated, deteriorated, spoiled, infested, or have latent defects or are past their best if used by/expiration date. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products.
Proxy:	Any person designated by an applicant or participant to sign applications and pick up USDA Foods on their behalf.
Recipient:	A person or persons living together in one household who have been determined eligible to receive USDA Foods for consumption or for household use.
Recipient Agency (RA):	A public or private nonprofit agency that enters into an agreement with FDP or a contracted food bank to administer a USDA Foods program at the local or county level.
Service Region:	One or more counties which have been contractually awarded to a food bank to distribute TEFAP.
State Fiscal Year (SFY):	A twelve-month period used for accounting and reporting purposes, July 1 through June 30.
<a href="#">State of Colorado Fiscal Rules:</a>	Implements statutory provisions, set forth principles concerning internal controls, accounting policies, and financial reporting for the State of Colorado, and assists the State Controller in managing the finances and financial affairs of the State.
State Plan:	The document that describes the way FDP intends to administer TEFAP in Colorado.
Storage:	The holding of USDA Foods for a period longer than twelve hours.
Sub Distributing Agency (SDA):	An organization that has entered into a contract with the Distributing Agency to perform delegated functions, such as making arrangements for the storage and distribution of USDA Foods, entering into agreements with and managing eligible RAs performance, accepting applications for program participation, and/or determining participant eligibility. Currently, food banks serve as SDAs.
The Emergency Food Assistance Program (TEFAP):	The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of low-income Americans by providing them with emergency food assistance

	at no cost. USDA provides 100% American-grown USDA Foods and administrative funds to states to operate TEFAP.
United States Department of Agriculture (USDA):	Cabinet level agency responsible for federal programs related to agriculture.
Web-Based Supply Chain Management (WBSCM):	A web-based software managed by USDA to order and receipt USDA Foods and allocate entitlement.

## II. TEFAP Foods

### A. Fair Share Allocation

- i. Each year, the USDA allocates entitlement to states based on a formula of poverty and unemployment rates. This is known as the State's fair share. Each state is offered its fair share of food entitlement and administrative funds according to the formula.
- ii. FDP allocates the entitlement based on the fair share formula for each county and provides that information to the contracted food bank.
- iii. The food bank then determines per county the amount of entitlement allocated to each RA.
- iv. Bonus Foods are offered to each state based on the fair share of the federal allocation or on an open order basis. Bonus orders do not impact TEFAP entitlement.

### B. Entitlement Food Ordering

- i. Each year, FDP publishes a food preference survey. Based upon those results, FDP creates a food catalogue which includes the product types, pack size and value per case as provided by the USDA.
- ii. Entitlement is spent on the calendar year. To be considered spent, the food must be received at the food bank. Unspent entitlement balances on December 31<sup>st</sup> are rolled forward into the next calendar year and distributed equitably among agencies that spent at least 99% of their entitlement.
- iii. At no time may the RA TEFAP inventory be more than a three-month supply without written approval of FDP. Excess inventories may be transferred between RAs with prior notice and consent of the food bank. Records documenting the transfer must be maintained by all parties.

### C. Ordering BONUS USDA Foods

- i. BONUS orders are periodically offered to FDP. These BONUS items do not count against entitlement.
- ii. RAs are required to accept BONUS allocations if they can safely receive, store, and distribute the BONUS orders.
- iii. BONUS USDA Foods are handled and distributed in the same manner as USDA Foods ordered through TEFAP entitlement.



D. Insurance

- i. All TEFAP food banks and RAs must have insurance that includes protection of TEFAP foods. The amount of insurance required must be at least equal to the average month-end value of TEFAP food on hand at the organization in the previous fiscal year.
- ii. Insurance coverage will be verified during Management Evaluations and reviewed every October.

III. Receiving USDA Foods

A. Delivery/Pick Up Requirements

- i. The food bank is responsible for ensuring a monthly TEFAP distribution in each county in their designated region.
- ii. The food bank must provide notification to the RA prior to the delivery/pick up date. The notification must include, but is not limited to:
  - a. Types and amounts of USDA Foods ready for delivery or pick up.
  - b. An opportunity for the RA to decline all or a portion of their USDA Foods. RAs should only accept the amount of food that can be distributed in 30 days from the date of delivery and stored safely.
  - c. The anticipated delivery/pick up dates.

B. At the Time of Delivery

- i. When product is delivered, the RA is responsible for inspecting the order for accuracy and ensuring the food was transported safely. The RA must:
  - a. Ensure the type and amount of product on the BOL at the time of delivery/pick up matches the product ordered.
  - b. Check the overall condition of the cases and ensure it is in optimal condition. This includes taking the temperature of refrigerated and frozen product to ensure it is at a safe temperature as outlined in section III.E.ii.f.i.
  - c. The RA must document on the BOL any USDA Foods in the order that are deemed unsafe (for example, outside of the safe temperature range) and refuse those items. The food bank will return the items to their warehouse and complete the food loss process outlined in section V.C.

- d. Document any discrepancies in product type or quantity on the BOL prior to signing it.
- e. Sign and date the BOL along with the food bank staff. Retain a copy for the RAs records. By signature of the RA assumes liability and will be held financially responsible for the product shown on the BOL.

#### C. Inventory Requirements

- i. RAs must maintain complete and accurate records of USDA Foods received and distributed and report inventory information as directed by your food bank.
- ii. RAs must differentiate between USDA Foods and other purchased or donated foods.

#### D. Food Storage and Handling

- i. RA must ensure that the USDA Foods are safeguarded against theft, spoilage, pest infestation and damage by following accepted warehousing methods.
- ii. Acceptable warehouse and storage practices include but are not limited to the following.
  - a. Keep all food 6” off the 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, walls 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. Dry storage must be 50-70 degrees, coolers 35-40 degrees and freezers below 0 degrees.
  - h. Maintain daily temperature logs for each area.
  - i. Maintain thermometers in all freezer and refrigeration units and dry storage areas.
  - j. Maintain a good pest control system to include a qualified person on staff or a contract with a licensed firm to manage a pest infestation. Maintain a pest control service log.
  - k. Maintain equipment to include a regular check for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.,

- l. Assure inventory rotation so that the product expiring first is issued to the TEFAP participant first allowing time for the participant to consume the product prior to its expiration date.

E. RA Food Distribution

- i. The RA will distribute USDA Foods to all certified TEFAP households in an equitable manner. A good practice is to adjust the amount of food based on the household size. However, this is not the required distribution method.
- ii. The RA is highly encouraged to make TEFAP foods part of an ongoing food distribution.
- iii. The RA should have a procedure to allow TEFAP participants to refuse any food item they cannot use or do not want. The procedure must include a process for returning the item(s), during distribution, back into the RA's inventory and accurate accounting of that inventory.
- iv. If an item is returned after distribution, the food may not return into TEFAP inventory, and must be distributed through a non-USDA Foods means.

F. Use of USDA Foods for Demonstrations or Workshops

- i. USDA Foods may be made available for demonstrations or workshops relating to the more effective utilization of USDA Foods.
- ii. The amounts of USDA Foods used for this purpose will be limited to the amounts needed for "tasters". These may be prepared from one or more USDA Foods.
- iii. Foods will be served in small amounts rather than as a full meal.

**IV. Hold and Recall Procedures**

A. Recall Notification

- i. Upon receipt of a hold/recall notification, the State will contact each affected food bank no later than 24 hours after receiving the hold/recall notification. The notification will include the product name, affected lot numbers, and other pertinent product information.
- ii. The food bank will provide information needed to track the product and document reimbursable costs.

- iii. The State will release press information to assist food banks in responding to requests from media, participants, and others.
- iv. The State will determine the amount of recalled product still in storage at the food banks and amount of product delivered to RAs.

**B. Product Disposition**

- i. In most situations, the recalled product will be returned to the vendor from central locations within the State.
- ii. Food Banks and RA Responsibilities
  - a. Food banks will work with the State to determine the appropriate method and timeframe for picking up the recalled product as soon as possible, but no later than 30 days after the date of the recall notification. It is the food bank's responsibility to consolidate the product from affected RAs at a central location for pick-up.
  - b. The RA should separate recalled food items and clearly mark them as "RECALLED". The RA will then work with their food bank on a time for the food bank to pick up the affected product from the RA.

**IV. USDA Foods Complaints and Food Loss**

**A. USDA Foods Complaints**

- i. The USDA makes every effort to ensure that USDA Foods provided through TEFAP 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 within 3 days. [Complaint Form FDP-CO-400](#) is available on the FDP website and should be filed through the food bank.
- ii. Food banks are responsible for collecting the appropriate information regarding the product and nature of the complaint so that an investigation can be pursued by the State or the USDA.
- iii. The USDA will request that the defective product be kept for to ten (10) days until the State provides further instructions, as the USDA vendor may request a return of the product in question.

**B. USDA Foods Loss and Claim Procedure**

- i. USDA Foods are no longer fit for human consumption because of: Spoilage, contamination, infestation, or damage, or when the results of

an investigation by Federal, State, or local health authorities deems them no longer fit for human consumption.

- ii. USDA Foods are not stored or managed in accordance with the provisions of a contract or agreement, or with regulatory provisions or policy relating to storage and inventory management.
- iii. USDA Foods are stolen, willfully misapplied, obtained by fraud, or improperly distributed, or are not otherwise available for distribution to eligible recipients.
- iv. This procedure does not apply to the following situations:
  - a. Participants or households receive donated foods for which they are ineligible (such losses are subject to regulations applicable to specific programs).
  - b. Losses identified in audits, investigations, or management reviews conducted by the USDA or by authorized representatives of the USDA.

#### C. Reporting a Food Loss

- i. The RA must report any loss of donated foods, regardless of the value of the loss, to their food bank within 5 days of the discovery of the loss.
- ii. The types and quantities of donated foods lost.
- iii. The date and location of the loss, to the extent they can be determined.
- iv. The cause, including if theft, embezzlement, or fraud was involved. Examples might be finding a case of expired product, a freezer malfunction, or a volunteer slicing through bags of rice while opening a case.

### VI. Recipient Eligibility at a Food Pantry

#### A. Application

- i. No household may be denied the opportunity to file an application.
- ii. Households are not required to obtain a “referral” to apply for or obtain USDA Foods.
- iii. The use of a paperless certification system must be approved by the State prior to implementation and must provide the same or higher degree of confidence regarding the accuracy of the certification results from the electronic system as from the traditional, paper-based system.

- iv. Signatures are not required as part of the application process; however, all other information must be collected to the extent feasible.
- v. A plan must be in place to ensure the confidentiality of participant information. The plan must include routine monitoring of the practice of maintaining the confidentiality of participant information by staff and volunteers.
- vi. Records must be retained for three years from the end of the fiscal year to which they pertain, or, if they are related to an unresolved claim action, audit, or investigation until those activities have been resolved.
- vii. To be determined eligible for TEFAP a household must:
  - a. Need food assistance because of inadequate household income,
  - b. File an application using Form [FDP-CO-100, “TEFAP Eligibility Application”](#),
  - c. Reside in Colorado,
  - d. Show proof of address and a form of identification, if available. Proof of address may include a current address on a photo ID, recent public service bill, rent receipt, etc.
    - i. The address requirement does not impose any length of residency requirement; nor does it imply "intent" to reside permanently in the state or county.
    - ii. Unhoused applicants who do not have the capacity to utilize USDA Foods available are to be referred to a congregate meal site and should only be provided food items that the applicant can safely store and consume.
- viii. Meet the definition of a "household"; and
- ix. Meet the TEFAP income-based standards.
  - a. The household participates in one of the nine (9) public assistance programs listed on the application.
- x. If a household is not eligible as a participant of a public assistance program, it may be eligible if the combined household income does not exceed 200% of the current federal poverty level as established by the United States Department of Health and Human Services. Income includes:

Gross wages	Alimony or child support
Retirement or disability benefits	Public assistant cash grants
Earning from self-employment (excluding overhead expenses)	Veteran’s, workers, or unemployment compensation

Scholarships, educational grants, fellowships, or Veteran’s educational benefits not used to pay tuition and mandatory fees.	Dividends, interest, and other payments which benefit the household.
Income from roomers or boarders	Adoption subsidies
Social Security	

The following are examples of **exempted** income:

SNAP (previously known as food stamps) benefits	Special Supplemental Nutrition Program for Women Infants and Children (WIC) benefits
One-time lump sum payments such as insurance settlements	In-kind Income
Foster subsidies	Vendor Payments

**B. Determine Eligibility from a TEFAP Application**

- i. Using the completed TEFAP Eligibility Application ([FDP-CO-100](#)), the following steps, in order, should lead to determining eligibility of an applicant household by an RA. The RA will accept self-declaration as the primary means of documenting eligibility.
  - a. Review the application for completeness including the name of the applicant and the number of persons in the household.
  - b. Determine the household resides in Colorado.
  - c. Determine if the household participates in an eligible public service program.
  - d. If the household does not participant in a qualify public service program, determine if the household meets the income eligibility criteria requirement by comparing the household’s size and income to the household income criteria ([200% of the poverty guidelines](#)).
  - e. Mark the Certification section for appropriate eligibility or denial (PA/AI/Denied).
  - f. Eligibility must be re-established each time food assistance is requested.
  - g. RA staff and volunteers may receive TEFAP only if they meet the eligibility requirements and complete the TEFAP Eligibility Application. Eligible staff and volunteers may not be given extra food to encourage their assistance or preferential treatment.
  - h. After the application is filed and eligibility determined, distribution of USDA Foods will be made to eligible households.

In most cases, the applicant's statement regarding a household's circumstances will be acceptable verification. Should an apparent question exist, verification may be requested; however, this should not delay the distribution of USDA Foods.

### C. Homebound Participants

- i. A program participant who is unable to visit a TEFAP food pantry may designate a relative, friend, or caregiver as their proxy for receipt of the food package.
- ii. Documentation of a proxy should be provided in writing on form FDP-CO-1640 and maintained by the RA.
- iii. The proxy must provide appropriate identification to receive the participant's benefit and must provide the participant's name and information on the participant's behalf.
- iv. The proxy form must be completed in its entirety and updated on at least an annual basis.

## VII. Eligibility for Congregate Meal Sites

Recipients of meals served at congregate feeding sites are not required to complete an application form to determine eligibility. Such persons are "deemed" eligible and not subject to a means test.

## VIII. Meaningful Access

### A. Frequently Encountered Languages

- i. Each January the State conducts an assessment to determine frequently encountered languages for Colorado and updates language requirements as appropriate.
- ii. All participant/applicant forms and TEFAP materials including outreach and marketing materials must be provided in the identified frequently encountered languages, which is currently English and Spanish.
- iii. The State is responsible to translate vital documents such as the TEFAP application. The RA may request vital document translation through their food bank into other languages, as needed.
- iv. The food bank is required to notify the RA of how to access free interpretation services for participants or applicants with limited English proficiency.



## IX. Participation in Non TEFAP Activities

- A. Activities unrelated to the distribution of TEFAP food may be conducted at sites if:
- i. The person(s) conducting the activity makes it clear that the activity is not part of TEFAP and is not endorsed by the USDA and/or the State.
  - ii. Cooperation in the activity is not a condition of the receipt of USDA Foods.
  - iii. Information about the activity is not placed in or printed on bags or boxes in which USDA Foods are distributed.
  - iv. Program participants are not solicited or required to contribute money, sign petitions, or converse with the persons conducting the activity.
  - v. The activity is not conducted in a manner that disrupts the food distribution or meal service.

## X. Religious and Faith Based Organizations

### A. Notice Of Beneficiary Rights & Referrals

- i. In accordance with *Partnerships With Faith-Based and Neighborhood Organizations* at [89 FR 15671](#), this rule makes several changes to USDA regulations found at [7 CFR 16](#) related to equal opportunity for faith-based organizations that operate USDA programs, and religious protections for USDA program beneficiaries.

If a TEFAP beneficiary (applicant or recipient) 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.

- ii. A written notice must be posted in a client-visible area, which will be provided by CDHS at all religious and faith-based organizations (7/2/24).

## XI. Prohibited Activities

- A. USDA Foods are not to be sold, exchanged, or used for personal gain.

- B. All RAs are prohibited from repackaging USDA Foods unless exceptions are granted with prior USDA approval. All requests for repackaging must be submitted to the State.
- C. No USDA Foods are to be opened, altered, or removed from unit containers except for meal preparation at RA congregate meal sites.
- D. As a condition of receipt of USDA Foods, RAs cannot require or coerce participants to:
  - Attend a religious service,
  - Participate in prayer,
  - Join a counseling group,
  - Attend budgeting, parenting, or job training classes, and/or
  - Do odd jobs

## XII. Civil Rights Requirements

- A. All agencies will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part 50.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.
- B. All agencies must have posted at their facility, in plain sight in a participant visible area, the “And Justice for All” poster.
- C. All agencies will include the following official Non-Discrimination Statement on all written materials (including websites) naming TEFAP or the USDA Foods program:

### Non-Discrimination Statement

In accordance with federal civil rights 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 (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, 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.usda.gov/sites/default/files/documents/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  
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.

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.*

#### D. Civil Rights Training

- i. As required by USDA FNS-113-1, a Civil Rights Pre-Award Compliance review must be conducted for all RAs prior to entering into a TEFAP agreement.
- ii. RAs will ensure that employees and volunteers that have direct interaction with TEFAP applicants and participants or handle applications, receive civil rights training annually.
- iii. Ras will maintain a log of Civil Rights training.
- iv. The State provides free online, on demand, Civil Rights training [here](#) (Under the Civil rights and non-discrimination statement section of the webpage).

#### E. Complaints of Discrimination

- i. All agencies must agree to accept all Civil Rights complaints received in connection with the distribution of USDA Foods. USDA reserves the

right to conduct investigations and make the final determination on the proper handling of all complaints.

- ii. All agencies will maintain a record of complaints.
- iii. To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf) or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

### XIII. Management Evaluation

#### A. Purpose

- i. The purpose of the management evaluation is to evaluate program operations; ensure compliance with federal regulations and state policy and procedures; and to provide technical assistance and training. The process includes, but is not limited to the review of:
  - Outreach and referral procedures,
  - Eligibility procedures: including RA eligibility and TEFAP recipient eligibility,
  - Civil rights compliance,
  - Food ordering, receipt, distribution, storage, and inventory, and
  - Financial and record keeping processes.
- ii. The process also provides an opportunity for the RA to ask questions, discuss concerns, and make suggestions about the program.
- iii. The USDA and/or the State may visit any food bank or RA at its discretion for review purposes.

#### B. RA selection for Management Evaluations

- i. The State is required to conduct a management evaluation of 10% of the RAs or 20 total management evaluations (whichever is fewer) each year.
- ii. Food Banks will review 25% of their RAs each year, resulting in a review of every RA once every four years. These reviews are in addition to reviews conducted by the State.

### C. Management Evaluation Process

- i. The State will provide an RA to be reviewed ample notice in writing of the review date, time, and duration, what areas of the program will be reviewed, and documentation that will be requested. This best practice does not negate section 7 CFR 251.10.e (State monitoring system).
- ii. Upon completion of the review, the State will provide written communication of the results of the review to the RA's contracted food bank. The RA that was reviewed must be provided a with written guidance that:
  - Outlines the issues of non-compliance.
  - Provides guidance on how to correct the issues on non-compliance.
  - States a deadline for correcting the issues of non-compliance.
    - iii. The State must follow up on all non-compliance issues to ensure that all issues are corrected within a reasonable time frame, which is generally 45 days unless otherwise noted.
  - Findings that *directly involve discriminatory or prohibitive distribution of USDA foods* must be resolved immediately, with no more than 10 days outstanding, and may result in a suspension or termination from the TEFAP program.

## XIV. Records and Reports

### A. Record Retention Requirements

All program records are to be maintained for a period of three years from the close of the federal fiscal year, or longer if related to an audit or investigation in progress.

### B. Records include but are not limited to:

- i. Records documenting the receipt, disposal and storage of USDA Foods.
- ii. For food pantries only, records documenting distribution of USDA Foods which is the TEFAP Eligibility Application and distribution rates.
- iii. Records documenting any funds reimbursed by the food bank for the RA operation of the TEFAP distribution.
- iv. The agreement between the RA and the food bank to administer TEFAP.
- v. Records related to the loss of or damaged USDA Foods.
- vi. Records related to TEFAP complaints, investigations, and resolutions.

- vii. Records of civil rights training including records of attendance.

C. RA Record Keeping of Capital Equipment

- i. If the food bank or RA purchase equipment with TEFAP funds, they must record the location, use, and condition of the property on an annual basis.
- ii. Any ultimate disposition data including date of disposal and sale price of property.
- iii. the food bank is responsible to conduct a physical inspection of the property by June 30 of each odd year.

D. RA Reporting Requirements

- i. An RA required to provide monthly reports to their food bank by the date and in a format designated by their food bank.
- ii. Reporting includes TEFAP food inventory on hand at month's end and either the number of households and participants served, or the number of meals served during month.

**XV. RA Contact List**

The RA must update their food bank within two weeks of any changes of address, food pantry personnel, contact information or days or hours of operations. This information is used to refer those in need of food to their nearest TEFAP agency.

**XVI. Financial Requirements**

A. Administrative Funds

- i. The State provides the contracted food banks with administrative funds for managing the network of food pantries and congregate meals sites, the warehousing and distribution of food, ensuring accurate eligibility determination, training and technical assistance and reporting functions.
- ii. Food banks at their discretion may pass funding on to RAs. This may be for program administration or to purchase capital equipment.

B. Value of USDA Foods Distributed to RAs

- i. In accordance with the Single Audit Act of 1984 and Title 2 CFR 200.501, a non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single

or program-specific audit conducted for that year. The value of USDA Foods is a federal award.

- ii. The food bank is responsible for maintaining current records for all USDA Foods and administrative funds that is passed through to its RAs.
- iii. On an annual basis, the food bank is required to provide each of its RAs a letter that outlines the value of USDA Foods provided to the agency and the amount of any administrative funds passed through to the agency.
- iv. The food bank must comply with requests from their RAs to provide this information as needed when the RA is undergoing a single or program audit.