



THE EMERGENCY FOOD ASSISTANCE PROGRAM HANDBOOK

Issued by the



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

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TEFAP HANDBOOK

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Introduction

The Temporary Emergency Food Assistance Program was founded in 1981 due to the large surpluses of dairy products accumulated by the United States Department of Agriculture (USDA). By late 1981, the USDA had approximately 560 million pounds of surplus cheese on hand. On December 22, 1981, President Ronald Reagan authorized USDA to provide 30 million pounds of cheese for distribution to needy persons. In early 1982, additional quantities of cheese were released and in June, frozen butter was made available. Although the cheese and butter surpluses were depleted, the need for supplemental food assistance had been proven. The program has been providing USDA donated food to needy persons ever since as a supplement to other assistance provided at the local level.

Welfare Reform began on August 22, 1996, when President Bill Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The act amended legislation authorizing food distribution programs operated by the Food and Nutrition Service (FNS). The Act consolidated Soup Kitchens, Food Banks, and The Emergency Food Assistance Program (TEFAP) under the Emergency Food Assistance Program (EFAP). Previous legislation that authorized Soup Kitchens/Food Banks separately from TEFAP was repealed. All programs are now identified as part of The Emergency Food Assistance Program (TEFAP).

USDA foods for TEFAP are channeled to the needy through Eligible Recipient Agencies (ERAs) including Food Banks, in the form of prepared meals (i.e., Soup Kitchens) and for home consumption (i.e., Food Pantries, Mass Distributions).

Food Banks referenced in this handbook are defined as members of Feeding America that have signed a contractual agreement with the Virginia Department of Agriculture & Consumer Services, Division of Marketing, Food Distribution Program (VDACS) to receive and distribute USDA foods to eligible households and to other Emergency Feeding Organizations (EFOs) (primarily their affiliated agencies) for distribution to eligible households.

EFOs are public or private non-profit organizations that have executed an Agreement with VDACS to receive USDA foods through direct shipment or a distributor. EFOs in Virginia can include Food Banks, Food Pantries, Soup Kitchens, and Charitable Institutions.

EFOs that are affiliates of a Food Bank, such as Food Pantries, will conduct their TEFAP activities under the guidance of the Food Bank. Their contractual relationship with VDACS exists through a signed VDACS Agreement Addendum. VDACS communications and program guidelines will be conducted with such EFOs primarily through their affiliated Food Bank.

The amount of USDA food and administrative funds received by the state is based on the number of unemployed persons and the number of people with incomes below the poverty level in the state.

7 CFR 251. TEFAP is governed by the Code of Federal Regulations, Title 7, Part 251, The Emergency Food Assistance Program (TEFAP). 7 CFR 251 establishes the regulation necessary to carry out this program. Additional information and clarification is provided through USDA's Policy Memos.

Chapter 7, Section 251.4 establishes a two-tier system for distribution of USDA foods to ERAs. TEFAP foods must be distributed according to the established priorities.

Priority given in the following order:

- EFOs
- Soup Kitchens
- Food Pantries and Mass Household Distribution Sites
- Other Food Banks
- Temporary/Overnight (Homeless) Shelters

Second priority given in the following order:

- Longer Term/Residential Shelters
- Transitional Living Centers
- Substance Abuse Rehabilitation Centers
- Charitable Institutions
- Child Nutrition Programs

Applicability

The information, policies and procedures in this Procedures Manual apply to the administration, handling, storage, distribution, etc. of **all** TEFAP foods allocated and/or received in the State, whether as part of the state's allocation, entitlement or bonus.

VDACS has been designated as the Virginia state agency that provides USDA TEFAP foods to eligible recipient agencies for further distribution to needy persons, and to receive payments from USDA for the administration, storage, and distribution of USDA TEFAP foods.

TEFAP Procedures Manual incorporates the requirements for EFOs to participate in the distribution of USDA donated foods. The Procedures Manual provides guidance to both Food Banks and Food Pantries in meeting both federal regulations and state operational procedures. Required documents are included in the Appendix.

Two goals should remain in focus at all administrative and operational levels of TEFAP:

- Program integrity: Ensuring that food assistance is provided only to those who meet the program eligibility requirements.
- Helping feed needy people: Reaching out to those in need of food assistance to the extent that resources are available.

I. VDACS RESPONSIBILITIES

VDACS responsibilities encompass the following requirements:

- VDACS will meet the terms of the Agreement between USDA and VDACS as well as ensure that the federal regulations for TEFAP are met.
- VDACS will sign Agreements with recipient Food Banks before each state fiscal year begins on July 1.
- VDACS will sign an Agreement Addendum with Food Bank affiliated EFOs annually.
- VDACS will publish eligibility criteria based on household income for use by Food Banks.
- VDACS will assess state needs within the limits of USDA's allocations.
- Upon receipt, VDACS will process Invoices Requesting Reimbursement of shared maintenance fees from Food Banks to distribute USDA foods at no charge to outlets or recipients.
- VDACS will provide financial reimbursement to Food Banks based on published rates, as federal funds are available.
- VDACS will provide Food Banks with all necessary information, forms, and household eligibility criteria.
- VDACS will ensure that USDA foods are properly used by EFOs and efficiently distributed to eligible households.
- VDACS will conduct annual administrative and site reviews of Food Banks.
- VDACS will oversee and monitor Food Bank reviews of EFO distribution sites as required by federal regulations and the state plan.
- VDACS will determine losses due to negligence upon report and direct Food Banks to replace USDA foods or reimburse the government.
- VDACS will ensure that all counties/cities will have access to TEFAP foods.
- VDACS will maintain program records and provide reports as required by federal regulations and the current state plan.
- VDACS will ensure that all funds provided by USDA are used in accordance with federal regulations and the state plan.
- VDACS will publish and enforce Civil Rights compliance requirements and review complaints of discrimination or misuse of USDA foods.
- VDACS will ensure that remaining USDA foods are inventoried at state fiscal year end.
- VDACS will ensure receipt of a fiscal year end confirmation of federal assistance received, to be submitted annually in July.
- VDACS will offer entitlement and bonus USDA foods via USDA Ordering System (WBSCM) as made available by USDA.

II. FOOD BANK RESPONSIBILITIES

Food Bank responsibilities encompass the following requirements:

- Food Banks will execute Agreement VDACS-FD1 to be signed by the Food Bank Director and VDACS Food Distribution Program Administrator each year.
- Food Banks will retain a signed VDACS Agreement Addendum and the TEFAP Sub-Agency Agreement from their affiliated EFO distribution sites annually.
- Food Banks must notify their Regional Commodity Manager (RCM) in the event of a change in essential personnel.
- Food Banks must have approval by VDACS prior to any off-site storage of TEFAP foods.
- Food Banks will determine the needs of their coverage area based on periodic averages of households served. Such needs should include only amounts of USDA donated foods that can be safely stored and distributed within three to six months.
- Food Banks may request reimbursement of agreed Shared Maintenance Fees by submitting the Invoice Requesting Reimbursement form as shipments of USDA foods arrive. Food Banks will distribute these foods at no charge to their EFOs whenever VDACS pays this fee on their behalf.
- Food Banks will provide for transportation of USDA foods to EFO sites or allow pickup.
- Drivers will deliver foods into a designated receiving area at each agency. Drivers or helpers shall not be required to stow foods on shelves or in freezers or refrigerators. Drivers and helpers should cooperate with agencies by rolling stock into or near walk-in freezers or coolers and stock rooms.
- Food Banks will not charge EFOs a yearly usage fee if they elect to participate in the USDA only program.
- Food Banks must submit Year End Fiscal Inventory of USDA foods that are on hand as of June 30 each year.
- Food Banks will submit a fiscal year end confirmation of federal assistance received annually in July.
- Food Banks will provide VDACS with a list of counties/cities in the Food Bank's service area.
- Food Banks will submit a Report of Distribution VDACS-FD203 and the In-Kind Contribution forms to VDACS quarterly.
- Food Banks must collect Self-Declaration of Income forms once every two years and EFO inventory and food issuance reports monthly.
- Food Bank staff will review 33% of the SDI forms from each agency to verify that the number of eligible households approximates the number of households reported as served. They will also compare the size and number of households reported as served with the number of cases of food distributed to assure conformity with TEFAP food issuance guidelines by the EFO.

- Food Banks will conduct a pre-award civil rights questionnaire on all new and returning USDA EFO's. These questionnaires must be sent to the RCM for approval prior to the EFO receiving USDA foods for distribution.
- Food Banks will conduct and document an annual training on civil rights with their affiliated EFO sites.
- Food Banks will have the "Justice for All" poster displayed where recipients of the program can see it along with the Civil Rights Complaint form.
- Food Banks will ensure that all religious EFO's will display the Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP Benefits where recipients of the USDA foods can see it.
- Food Banks will review the IRS Automatic Revocation of Exemption List annually to ensure no affiliated EFO's are on this list.
- Food Banks will maintain records, all the above forms, Self-Declaration of Income (SDI) forms and any proxy notes for the current year plus the previous three years for review by VDACS or USDA representatives.
- Food Banks will review their affiliated EFO sites annually. These reviews will be conducted during determination of recipient household eligibility and distribution of USDA foods.
- Food Banks are required to provide the training and oversight necessary to ensure that adequate inventory controls and security are in place at the EFO site.
- Food Banks will identify, report, and release any inventories of USDA foods for VDACS reallocation in the event of natural disasters or emergencies.
- Food Banks will immediately report all losses of USDA food to their RCM.
- Food Banks accept final administrative and financial responsibility for all sites at which the food bank operates or delegates program activities.
- Food Banks will replace USDA foods or reimburse the government, for any loss of USDA foods. This is to be done at the direction of VDACS and replacement or reimbursement will be determined by VDACS.
- Food Banks that elect to drop out of TEFAP will notify their RCM and the VDACS Program Administrator 30 days in advance in writing. Included in the letter should be the effective date, any TEFAP purchased equipment and the amount of USDA inventory.
- VDACS will be reimbursed for any shared maintenance fees that have been paid on USDA foods that were lost, stolen, damaged, transferred, or infested.

III. EFO RESPONSIBILITIES

EFO responsibilities encompass the following requirements:

- EFOs will sign and comply with all VDACS Agreements, Addendum, and sub-agency agreements annually.
- EFOs will ensure that storage and distribution of USDA foods are in compliance with established guidelines.
- EFOs will ensure USDA foods are distributed to eligible households in accordance with eligibility criteria and the distribution rates provided by VDACS.
- EFOs will conduct a monthly inventory to report to the Food Banks the number of cases/units of USDA foods that were distributed to eligible households. Also a monthly total of households that were served must be tallied and reported to the Food Banks
- EFOs will comply with the Civil Rights responsibilities in this handbook as well as any future guidance. This includes training staff and volunteers on civil rights and complaint handling procedures annually.
- EFOs will immediately report any losses of USDA foods to their Food Bank.
- EFOs will maintain all program records for the current year and one year prior.
- EFOs that become closed on their own or by the food bank are responsible for returning any USDA foods that have not been distributed either back to the food bank and/or transfer the remaining USDA foods to an active EFO. All documentation in regards to the transfer and/or distribution of food must be recorded and maintained in the corresponding agency files.

IV. REQUESTING, RECEIPTING AND DELIVERY OF USDA FOODS

A. REQUESTING

VDACS will solicit USDA food requests via WBSCM from Food Banks. VDACS will notify Food Banks of their food allocations based on the entitlement available for food purchases and their percentage of households served. Failure to request USDA foods could result in USDA foods being limited to the Food Banks during particular delivery periods.

B. RECEIPT

Most Food Banks will receive USDA shipments directly from USDA vendors. VDACS retains the final determination of whether they will receive USDA foods through direct shipment or through its contracted distributors. The Order Status Report from WBSCM can be obtained indicating the shipment specifics. Do not accept any shipments of USDA foods without the report from WBSCM or approval from VDACS.

Vendors will schedule an appointment with the Food Bank prior to delivery. Shipments are usually palletized but sometimes high bulk, low weight USDA foods like dehydrated potatoes and cereals may be shipped floor loaded. Food Banks must ensure sufficient labor

and material-handling equipment is available to avoid detention charges by carriers. Refer to the Consignee Handbook for detailed procedures.

Upon receipt Food Banks must verify the case counts with the Order Status Report in WBSCM and Bill of Lading. If the documents agree with the physical count, electronically receipt for the load as well as sign the bill of lading and return all documentation to VDACS. If the quantity of food differs from the Order Status Report in WBSCM; or is out of condition for use; call VDACS while the truck driver is still on site; receipt for the order on WBSCM showing the overage, shortage, and/or damage and complete the VDACS OS&D Form. Submit immediately the VDACS OS&D Form along with the annotated bill of lading and any documentation that supports the problem. The discrepancy should also be noted on the truckers manifest, and a copy of their manifest attached to the OS&D report. Failure to receipt for a USDA shipment in WBSCM within **2 calendar days (48 hours)** of receiving may result in the Food Bank accepting financial responsibility for shortages and damages not reported.

C. DELIVERY

Food Banks will arrange for the delivery to or pickup of USDA foods by EFOs without charge if VDACS pays the agreed Shared Maintenance Fee. If VDACS cannot pay this fee, Food Banks have the option of waiving the delivery fee or charging their EFO outlets the Shared Maintenance Fee. Recipient households **CANNOT** be charged any service fees for receipt of USDA foods.

V. HANDLING REQUIREMENTS

A. FOOD STORAGE FACILITIES

- Refrigerated or frozen USDA foods require that temperature charts be maintained that indicate the dates and readings such recordings were made. The temperature readings must be recorded at least three times each week from an independent internal thermometer. Temperature charts must be maintained for each separate storage unit. Refrigeration unit temperatures should be maintained between 32 and 40 degrees Fahrenheit. Freezer temperatures must be maintained at or below 0 degrees Fahrenheit (per USDA Food Safety and Inspection Service (FSIS)). Digital temperature monitoring systems must be able to show electronic temperature logs.
- Shelf stable USDA foods require dry, cool storage. Dry storage temperatures should be maintained between 50 and 70 degrees Fahrenheit and thermometers should be installed in those storage areas to ensure proper temperatures are maintained. Temperature charts must be maintained indicating the dates and readings such recordings were made at least three times each week.
- USDA foods should be stored away from steam pipes, chemicals and equipment generating heat. Adequate racks or shelving must be provided for storage in freezers, refrigerators and dry storage. Foods should be stacked away from walls and off the floor to allow air circulation around the cases of food. 4" away from walls, 6" from

floors, 2' from ceilings. Chest freezers need to have a rack on the bottom to allow for air circulation.

- Adequate lighting is required to aid in rotation and inventory checks of foods.
- Adequate security by means of locks, bars, alarms, etc. is required to guard against theft or vandalism.
- Storage areas must be protected against rodents and insect infestation with routine extermination service and a record of these inspections must be maintained.
- Distributing agencies, sub-distributing agencies and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or local health inspection and/or approvals and that such inspection/approvals are current.

B. GENERAL FOOD MANAGEMENT PRACTICES

Management must emphasize proper food handling to avoid health hazards, maximize use of space and minimize food losses. These practices include:

- Check each food delivery carefully for possible shortage, overages or damage. Inspect the condition of packaging before placing foods in storage and check frequently to detect signs of food loss from age, infestation, spoilage, etc.

Maintain the food at the proper storage temperature range to maximize shelf life and minimize losses. Temperature records are required to support proper storage procedures were followed.

- Maintain perpetual inventory records and regularly verify records with a physical count.
- Practice FIFO "First In, First Out" to assure the oldest foods are utilized first and to prevent spoilage. EFOs should also use this rule and they should not hold onto USDA foods too long. USDA usually considers any foods that won't be used within 6 months to be excessive. USDA foods must be distributed with enough time to allow households the opportunity to consume the foods before their expiration, "best-if-used-by", or "use-by" dates have passed.
- USDA foods shall be clearly identified and, assurance that an inventory system shall be maintained and an annual physical inventory will be conducted; and reconciled with the inventory records.
- Never store cleaning supplies and equipment in the same areas as food.

Failure to provide adequate storage, to keep proper records, and/or to take reasonable security precautions could result in claims for restitution assessed against the Food Bank in the event of USDA food loss, spoilage or destruction.

USDA foods are not in tamper-resistant packaging. Once distributed to household recipients USDA foods should not be returned for reissuance. This would violate the agreement with VDACS as well as the recipients agreement and could cause personal injury and/or liability claims.

C. TRANSFER OF USDA FOODS

All transfers of USDA foods require approval by VDACS. A written Transfer Order form will provide a record of the transfer and signatures of release and acceptance. Any transfers of USDA foods must also be included as a separate line entry on the "Transfer Out" line on the Report of Distribution VDACS-FD 203. Transferred quantities are not included on Line 2 of the quarterly Report of Distribution.

D. DISPOSITION OF UNUSABLE USDA INVENTORIES

When USDA food inventories exceed potential usage within six months, contact VDACS to arrange a transfer. The RCM will find another eligible agency to receive the foods. Transfer or use of USDA foods without VDACS approval could result in a claim against the Food Bank.

USDA foods remain the Food Banks responsibility until utilized or transferred as directed. Transfer of liability does not occur until a completed Transfer Orders are signed and received by VDACS. If the USDA foods are to be transferred to another eligible agency, the RCM will provide a copy of the transfer order in advance. The transferring agency will check the amount to be transferred, sign the transfer form, secure the signature of the receiving agency to verify the quantities received, and forward copies according to instructions on the form.

Damaged or out-of-condition foods must be disposed of by the appropriate recipient agency site personnel. The method of disposal will usually depend on the quantity; always contact VDACS for appropriate procedures. In most cases, disposing of food in a garbage disposal, in a dumpster, or (for a large number of cases) in a landfill would be appropriate. Care should be taken to remove labels, separate the food from the packaging and adulterate the food so the food could not mistakenly be used. If food is to be taken to the landfill to be buried or burned, a person with the recipient agency should witness the destruction of the food and obtain a receipt from the landfill operator.

Include in disposal documentation the quantity and description of the food, circumstances surrounding the loss, the method of disposal, date and location of disposal, and the signature of the person who witnesses the disposal.

E. REPORTING LOSS OF USDA FOODS

Whenever a loss of USDA foods is discovered, Food Banks must notify VDACS immediately for instructions. A letter with documentation must explain the loss and identify insurance

coverage. A Donated Food Loss Report must also be completed. In the event of loss of USDA foods due to fire or theft, the police must be contacted and a copy of the police report included with the letter of explanation to VDACS. The Food Bank must file an insurance claim with any proceeds being given to the appropriate governmental agency. VDACS must investigate any loss of USDA foods in order to determine if a claim must be pursued.

The recipient agency ensures that they have purchased insurance coverage to protect the value of food items which are being stored.

F. DEMONSTRATIONS WITH USDA FOODS

Educational cooking demonstrations for household recipients can be authorized by the RCM. A demonstration to individual households is not an effective use of these foods. Records should be maintained and the next Report of Distribution should include these as "distributed" foods. Any release of USDA foods for unauthorized use will require restitution.

G. CHILD PROGRAMS

In accordance with Section 251.6© of the regulations, prior to permitting Food Banks to distribute TEFAP foods to children, VDACS must review the Food Bank's Distribution Plan, and if necessary, submit an amendment to the Plan to the appropriate FNSRO for approval. Food Banks are authorized to issue USDA foods to sponsored Kid's Cafes, Backpack or similar programs on a very limited basis. Such issuance should be limited to bridging commercial donations or purchases. Records of issuance should be retained.

VI. REQUIRED DOCUMENT SUBMISSION TO VDACS

A. REIMBURSEMENTS OF SHARED MAINTENANCE FEES

- VDACS will reimburse the agreed upon shared maintenance fees to Food Banks only upon receipt of an Invoice Requesting Reimbursement. This form must be submitted after electronic receipt of the sales order shipment via WBSCM (or Transfer Order with prior approval) that indicates the number of cases of food received by the Food Bank. Only one claim per shipment is allowed. This must be **submitted to VDACS on a minimum of a weekly basis**. Reimbursement will be subject to sufficient federal funding being available when all documentation is received by VDACS.
- The Invoice Requesting Reimbursement must be filled out completely and correctly to receive reimbursement. Indicate the shipment or Transfer Order number. The quantity received must match the shipment record or Transfer Order quantity.
- Food Banks agree to accept the shared maintenance fee as full payment to distribute USDA foods in lieu of charging their EFO outlets. Any transportation, storage, handling, labor, or promotional costs incurred with the distribution of these USDA foods comes out of this payment, including handling transfers of USDA foods between member Food Banks.

B. REPORT DEADLINES FOR FOOD BANKS

- The Report of Distribution VDACS-FD203 is due to the RCM within 30 days after the calendar quarter. Only full case quantities distributed should be reported. It must also include the number of households served that quarter. EFOs will submit supporting documentation in the form of a monthly inventory/households served report to the Food Banks in time to complete this report.
- The Quarterly Report of In-Kind Contributions should be submitted to the RCM with the Report of Distribution within 30 days after the calendar quarter. The Quarterly Report form must be signed by an authorized food bank staff member certifying that no federal funds were expended in providing the administrative oversight reported.

Food Bank staff will document time and mileage incurred in training, monitoring and reviewing EFO operations during the quarter by completing and signing the Daily Record of In-Kind Contributions form. More detailed instructions about In-Kind Contributions are provided in the appendix with the two applicable forms. Approved in-kinds should be submitted for conducting on-site reviews of EFOs, assisting VDACS staff in assembling quarterly USDA commodity orders, and providing formal TEFAP program training to EFO staffs. Volunteer's time and mileage performing monitors are allowable. The volunteer(s) must be trained and qualified to perform the monitoring. Each volunteer must document their time and mileage. They also should complete a review form to document the review and applicable findings.

- The Annual Fiscal Year End Inventory Report, the Confirmation of Federal Financial Assistance and a list of all EFOs receiving USDA foods with the quarterly households served are all due in July.
- Failure to meet these report deadlines may result in withholding of shared maintenance fee payments by VDACS.

C. RECORD RETENTION REQUIREMENTS

Food Banks are required to retain and have available the following records for the current year plus three previous years. Records must be available for review by VDACS and/or representatives from USDA:

- The current VDACS Agreement must be on hand and be signed by the Food Bank Director. Any time there are essential personnel changes notify VDACS immediately. A change in Food Bank Director will require that a new VDACS Agreement be signed.
- A current VDACS Agreement Addendum and TEFAP Sub-Agency Agreement for each EFO affiliate must be signed and maintained at the Food Bank.
- Signed Self-Declaration of Income forms, signature sheets, proxy notes, distribution forms, and other documents indicating household certification must be on file for review, whether the household or individual was declined or approved for participation. All of these documents are official records and should be completed in ink.

- An annual listing of all Food Bank affiliate EFOs receiving USDA foods with the quarterly household distribution must be kept on file for review.
- All pre-award civil rights questionnaire forms must be kept on file for review. Including all annual civil rights training of EFO's and their staff/volunteers.
- Food Banks will retain Reports of Distribution, In-Kind Contribution reports and Invoices Requesting Reimbursement on file. Copies of signed USDA WBSCM Reports and VDACS OS&D form must be on file.
- Transportation bills of lading/delivery tickets must be on file. All transfer documents, records indicating the disposal of damaged/spoiled foods, and annual inventories must be retained.
- Temperature charts and extermination records must be retained.

Electronic/scanned copies of original documents or records are acceptable to meet the requirement for maintenance of records. Any records or documents maintained solely in an electronic format MUST be backed-up or copied to a second storage medium, such as a flash drive or CD, so that 2 separate sets of electronic records are maintained for the required amount of time, as described above. Failure to maintain electronic records due to an electronic storage medium failure, such as a computer drive crashing or a CD failing, is not an acceptable reason for not maintaining the required records. A recipient agency considering maintenance of records solely in electronic format must submit to VDACS a brief record-keeping plan for approval prior to disposing of original documents or records.

VII. ELIGIBILITY REQUIREMENTS

The following criteria determine household eligibility to receive USDA donated foods. EFO outlets are required to use either categorical eligibility or Self-Declaration of Income to certify household eligibility for TEFAP.

The SDI form will be used to document the applicant's name, full street address, number of household members, total household income, date of application and applicant's certifying signature or mark. Food Banks may also develop their own form as long as it includes the same information.

Certification of households should be conducted once every two years. If there is a good reason as to why the applicant cannot do a face to face at the recertification, phone verification with that applicant can suffice. This should be noted on the SDI form. Applicants should be questioned about any changes each month they receive TEFAP food.

The self-certification statement that is located above where the client signs should be the same on all SDI forms as included in the appendix. Also the full non-discrimination statement must be on all SDI forms as seen in VIII.A. Civil Rights Responsibilities.

EFOs cannot ask for any further documentation from applicants when completing the SDI forms.

A. HOUSEHOLD ELIGIBILITY

Federal regulations require that eligibility for TEFAP foods be based on the income for the total HOUSEHOLD, not the individual. Individuals sharing housing and/or income and expenses will be considered one household/economic unit.

A household is defined as:

- A group of related or non-related individuals, exclusive of borders, who are not residents of an institution but who are living as one economic unit sharing common cooking facilities, and for whom food is customarily purchased in common.
- Institutions that have congregated feeding would not qualify for USDA foods as the individuals do not purchase their own foods for consumption.
- Boarding houses is a house and/or apartment that rent out rooms.
- Individuals that buy and prepare their own food.
- Individuals that buy and prepare their food separately.
- A single individual living alone who has cooking facilities and prepares food for home consumption.
- Separate economic units in the same house are characterized by prorating expenses and economic independence from one another.
- If individuals (related or non-related) reside together, but prepare their meals separately, the deciding factor will be whether significant household expenses are shared.
- Homeless applicant should list their address as "Homeless" and list a location where the individual may typically be.

There is no minimum age listed in the TEFAP regulation in regards to an applicant to receive USDA foods.

All TEFAP recipients must be a resident of Virginia, but the length of residency is not used to determine eligibility.

B. CATEGORICAL ELIGIBILITY

Participation in a public assistance income based program listed below may be used to certify eligibility for TEFAP foods.

The following public assistance programs are based on income levels that automatically qualify individuals for TEFAP assistance.

- **Temporary Assistance for Needy Families (TANF)**
 - Qualifies the entire household; no income needed.
- **Supplemental Nutrition Assistance Program (SNAP)**
 - An individual receiving SNAP qualifies; no income needed.
 - Multiply SNAP recipients within the same household qualify separately for TEFAP; no income needed.
- **Supplemental Security Income (SSI)**
 - An individual receiving SSI qualifies for TEFAP; no income needed.
 - If recipient resides with others, all other members of the household must be qualified by income or categorical eligibility.

- **Medicaid**

- An individual receiving Medicaid qualifies for TEFAP; no income needed.
- If recipient resides with others, all other members of the household must be qualified by income or categorical eligibility.

Categorical eligibility will be valid as long as the household continues to be eligible under the public assistance program in effect at the time of certification.

C. INCOME ELIGIBILITY

- If applicant qualifies categorically, no income information is required.
- If the declared household income is at or below 185% of the federal poverty level, the SDI form will be accepted as proof of eligibility to receive food.
- If the declared household income is over 185% of the poverty income level, the applicant will not qualify to receive USDA foods. Retain all records of disapproval for review by VDACS.

VDACS updates the allowable income levels per size of household based on published USDA poverty guidelines and provides this information each year. The current poverty level guidelines must be used whenever households are being certified to receive TEFAP foods. EFOs may not establish a different income level.

Gross monthly household income must be at or below the standards listed on the Income Eligibility Guidelines that are issued each year. Gross household income includes all wages, pensions, Social Security, Supplemental Security Income, Railroad Retirements, income from rental or leased property, interest or dividends from savings, certificates of deposit, stocks, bonds and income from all other sources. That may include, but is not limited to, strike benefits, unemployment compensation, alimony, child support, veteran's benefits and regular insurance or annuity payments.

D. PRE-AUTHORIZED ALTERNATES AND PROXY NOTES

A pre-authorized alternate may be named by a household at the time that eligibility is certified when it is known that the household must depend on another individual to pick up its USDA foods on a routine basis. The pre-authorized alternate is listed on the distribution form. This will avoid the necessity of a household submitting a proxy note each time it receives TEFAP foods.

A proxy note may be used by a household to authorize another individual to pick up USDA food on its behalf, on a one-time basis due to some unforeseen inability. EFOs are required to collect and keep all proxy notes on file whenever anyone picks up USDA food for another household.

Proxy notes cannot be used to certify household eligibility for TEFAP foods. Household eligibility must be determined by an EFO staff member interviewing an adult, belonging to, and applying for food assistance for a household.

EFOs are encouraged to implement procedures to verify proof of identity by persons signing for and picking up USDA foods through use of a proxy note or as a pre-authorized alternate.

If there is a good reason that the recipient could not be present, the Power of Attorney (POA) could certify or declare eligibility for the recipient. The POA must be attached to the recipients

SDI form. The POA would also need identification for the recipient with their address as well as their own identification. Recertification should be conducted every two years.

E. LEGAL SIGNATURES

TEFAP regulations do not require a signature either when applying for TEFAP or when picking up TEFAP food.

F. DISTRIBUTION GUIDANCE

TEFAP food distributions are not designed to meet the total food needs of a household. TEFAP distributions are meant to supplement the household.

- Household may receive any combination of available USDA food items.
- Foodbanks should work with their TEFAP agencies to determine the amount of food to distribute based on the Food Banks available inventory.
- Food Banks should also work with their TEFAP agencies to determine how often to distribute food. TEFAP foods can be distributed to a household once each week.

****Households are counted as one HH served, no matter how many times a month the HH returns for service.**

All USDA foods must be maintained and distributed in the original packaging. USDA foods may not be used as payment or reward to volunteers or staff or for snacks or meals. Under no circumstances shall recipients be required to make payments in money, materials or services for the receipt of USDA foods. Additionally, recipients shall not be solicited to volunteer their services or for voluntary contributions or donations during the distribution of USDA foods. Activities unrelated to the receipt of USDA foods may not be conducted at sites unless participation in such activities is expressly identified as being separate and apart from distribution involving USDA foods, and TEFAP recipients are not required to participate in order to receive such USDA foods. For example, an EFO may not require eligible persons to attend religious services to receive USDA foods.

G. ISSUANCE DOCUMENTATION

- The EFOs will conduct a monthly inventory to report to the Food Banks indicating the number of cases/units of USDA foods that were issued to eligible households.
- The EFOs must tally the monthly total of households served. The inventory report also indicates the total number of households that were served during that month.
- The EFOs must generate and maintain a record of the households served each day the EFO is open to distribute USDA foods. Any of the following formats are appropriate for EFOs to document their distribution:
 - A list or pre-printed list of eligible households with recipient signatures.
 - Signatures on the SDI form each month a household are served.
- Food Bank staff and VDACS will review the SDI forms to verify that the number of eligible households approximates the number of households reported as served. They will also compare the size and number of households reported as served with the number of cases of food distributed to assure conformity with TEFAP food issuance guidelines by the EFO.

H. DISASTER & EMERGENCY EVACUEES

In areas covered by a Presidential declaration of a major disaster or emergency, individuals and families may be forced to evacuate their homes, and some of these evacuees may choose to reside with a host family until they can return to their own homes. In such instances, VDACS may, for the duration of the Presidential declaration, consider evacuees residing with a host family a separate household for the purpose of determining eligibility for regular program benefits under TEFAP. In instances when evacuees are considered a separate household, the host family must separately meet the eligibility requirements for the program(s) in order to receive program benefits. All other program requirements must be met, including use of the host family's place of residence, for the purpose of determining if both households meet applicable service area requirements.

In the event of an emergency or disaster declaration, the VDACS Program Administrator will notify food banks to report on-hand inventories of USDA foods. If necessary, VDACS will reallocate these foods to other sites as needed. Food Banks must report the volume of product released for emergency use. USDA must grant permission to release USDA foods for household distribution without income eligibility during declared disasters and emergencies. Any shared maintenance fees paid to the Food Banks may be retained unless otherwise notified by VDACS.

Significant fluctuations in the number of households served by any Food Bank during an emergency or disaster declaration may be corrected by averaging the numbers submitted for the previous four quarters.

VIII. Recall Policy and Procedures

A. Prior to Recall

United States food supply is among the safest in the world, sometimes food may be unsafe or mislabeled. When there is a reason to believe food is unsafe, or mislabeled, the food is recalled, or otherwise removed, from commerce. The following steps must be taken to ensure the USDA commodities in the State of Virginia is secure:

- Ensure all Recipient Agencies are aware of and trained in recall procedures
- Assign a Food Bank Food Safety Coordinator and an alternate. Ensure their name, title, and contact information is accurate.
- Contacts must be verified on an annual basis. Food Banks are responsible for updating VDACS in event of unexpected staff changes.
- If the Food Bank further distributes food, maintain a contact list for serving sites and other recipients.

*****It must be possible to trace recall food to final recipient.*****

B. Upon notification of recall:

- All members of your designated food safety team will be contacted by VDACS.
- Designated Food Safety Representatives must confirm within 24 hours or less, after receiving recall notification. This is to ensure the message was received and understood.
- If further distributed, notify all sites about recall as soon as possible.

- Food banks should confirm receipt of the notification by sites to ensure the message was received and understood.
- Food banks will be provided product identification information needed to track the product.
- Food banks will be provided instructions on handling the affected food, as directed by VDACS.
- Food banks will be provided specific product disposal instructions as directed by VDACS, based on state/local solid waste regulations.
- Find and isolate the affected product and label “DO NOT USE” to avoid accidental use.
- Conduct an inventory assessment, ideally in 48 hours or less, of affected product and include:
 - Amount remaining in stock and locations
 - Further distributed to program participants
- Submit the inventory assessment information to VDACS within the directed timeframe.
- Follow applicable storage/destruction instructions by VDACS.

C. Recall Communication Methods

- Call agencies and provide information and instruction on how to handle the affected product.
- Send email to agencies and provide information and instruction on how to handle the affected product.
- Post announcements on Food Banks home page.
- May use social media, such as Twitter and Food Bank’s blog.

D. Recall Responsibilities of Food Banks

- Identify USDA Foods
- Document to whom USDA Foods were distributed
- Identify who picked up USDA Foods
- Submit inventory information to VDACS
- Conduct an annual review of facilities and document compliance with requirements.

E. Recall Recordkeeping

- Records of inventory
- Records of distribution
- Records of storage
- Records of disposal

F. Classifications of Recalls

Class	Definition	Examples
Class 1	A health hazard situation where there is reasonable probability that eating the food will cause serious, adverse health consequences, or death.	E.coli O157:H7 in ground beef; Salmonella in peanut butter; Food with an undeclared allergen(s)
Class 2	A health hazard situation where there is a remote probability of adverse health consequences from eating the food.	Product containing a foreign material

Class 3	A situation where eating the food will not cause adverse health consequences.	Minor labeling problems, such as improper format or undeclared ingredients that are not allergens
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G. Responding to a recall

It is important to send complaints about USDA Foods to your State Agency, so that the State Agency may report them to USDA FNS. Sometimes, a complaint involves a food safety concern and sometimes the complaint reflects a quality issue. It is important to have a good feedback system in order to respond quickly to food safety concerns and improve product quality. All complaints reported to the State Agency should include as much detail as possible. Photographs also may be submitted. Information to be provided in a complaint includes:

- Product name and number
- Description of the problem
- Date your agency received the product
- Quantity of product involved
- Quantity and physical address of product remaining
- Purchase Order Number
- Invoice/Order Number
- Advance Shipping Notification Number (If applicable)
- Any lot numbers or can codes printed on the packaging
- Establishment number of the plant processing any meat, poultry, or egg product
- Organization’s name, address, and phone number
- If complaint comes from someone else, report their name and contact information
- Report of any illness or injury (ask if a doctor was seen, or if the health department conducted an investigation)
- Photograph of foreign object or problem
- Measurements of the foreign object until further directed by the State Agency, the following items should be retained:
 - Original container or packaging (Unopen cases)
 - Any uneaten portion of the food. (Confer with the State Agency to determine if food should be kept refrigerated or frozen)

IX. CIVIL RIGHTS RESPONSIBILITIES

The primary responsibility of the EFO is to insure that no person is excluded from participation in, denied benefits of, or is subject to any discrimination under TEFAP.

A. PUBLIC NOTIFICATION REQUIREMENTS

USDA 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, audiotape, 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:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

07/25/2022

The SDI forms must include the above full statement.

If advertising material is too small to permit including the full statement, it will at a minimum include "This institution is an equal opportunity provider" in print size no smaller than the text.

Any materials such as brochures, flyers, press releases, church bulletins, etc., that mentions distribution of USDA foods must contain the non-discrimination statement at the EFO level as well.

Any informational materials released to the public about the program or availability of USDA foods to eligible households with photographs or graphics must display participants of different races, colors, and national origins.

All distribution sites must display the USDA civil rights poster "And Justice for All". Civil rights complaint forms must be available to clients/recipients of the USDA foods; this can be done by hanging forms with the "And Justice for All" poster.

EFO's must train their staff and volunteers on civil rights and procedures to handle a complaint. Staff that interacts with the program applicants or participants, and those persons, who supervise staff, must be provided civil rights training on an annual basis. Such training should be documented with the date; materials covered, and sign-in sheets and maintained in recipient agency files. Required training topics include:

- Knowledge of protected classes,
- Effective public notification,
- Complaint procedures and conflict resolution,
- Customer service,
- Language assistance and accommodation of persons with disabilities
- Compliance review techniques and noncompliance resolution

For Limited English Proficiency (LEP) persons, recipient agencies must take reasonable steps to assure meaningful access to the information and services they provide. What constitutes reasonable will be contingent on a number of factors. Among factors to be considered are the numbers of proportion of LEP persons eligible to be served or likely to be encountered by the program and the frequency with which LEP persons come in contact with the program. Steps that are reasonable for a recipient agency that serves an LEP person on a one-time basis will be very different than those expected of a recipient agency that serves LEP persons daily.

B. FNS-113-1 PRE-AWARD CIVIL RIGHTS QUESTIONNAIRE

Food Banks will conduct a pre-award civil rights questionnaire on all new and returning USDA EFO's. These questionnaires must be sent to the RCM for approval prior to the EFO receiving USDA foods. This will include any EFO that drops out of the USDA Program or is suspended then comes back to the USDA Program. The FNS Region or State Civil Rights official(s) must determine that all state agency, local agency, or other sub-recipient program applicants are in compliance with Civil Rights requirements prior to approval for Federal financial assistance. Such determinations must be based on a desk or onsite review of Civil Rights information provided by the program applicant. The preapproval/pre-award review report must be maintained in the appropriate program files. This is a federal law.

C. 7 CFR PART 16

Organizations that receive direct USDA assistance under any USDA program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services supported with direct USDA assistance. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services supported with direct assistance from USDA, and participation must be voluntary for beneficiaries of the programs or services supported with such direct assistance.

D. WRITTEN NOTICE AND REFERRAL REQUIREMENTS FOR RELIGIOUS ORGANIZATIONS

The final rule entitled Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations amended 7 CFR Part 16 and directed agencies to provide policy guidance or reference materials on a number of program-specific topics. Religious organizations participating in TEFAP must comply with these final regulations.

In accordance with 7 CFR Part 16.4(f), faith-based or religious organizations that receive USDA foods or administrative funds for TEFAP must give written notice in the manner prescribed by this policy memorandum to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider when available.

In accordance with 7 CFR Part 16.4(g), if a beneficiary or prospective beneficiary of TEFAP objects to the religious character of an organization that provides services under the program, that 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.

See appendix H for a sample written notice form and recording a beneficiary referral request form.

E. HANDLING CIVIL RIGHTS COMPLAINTS

All complaints alleging discrimination 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 must be accepted by the EFO. The complaint may be mailed to the Food Distribution Program Administrator, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, or mailed directly to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C., 20250-9410, or call (866) 632-9992.

EFOs should use the Civil Rights Complaint form to record pertinent information. All civil rights complaints must be accepted either verbally or in writing. Every effort should be made to secure all elements of data on the complaint form to help explain or resolve the situation. No complaint may be refused or ignored because it is incomplete. EFO staff members should be trained to use either the complaint form to gather the necessary information from the complainant or refer the complainant to the person in charge with cooperation and courtesy. An effort should be made to insure the complainant could read and understand the form.

X. TAX EXEMPT STATUS

A. TEFAP

The Emergency Food Assistance Act of 1983 requires that an eligible recipient agency must be “nonprofit”, per 7 U.S.C. 7501(3). TEFAP regulations at 7 CFR 251.5(a)(3) establish that if not a public entity, an eligible organization must possess tax-exempt status, or be automatically exempt as “organized or operated exclusively for religious purposes”, as described in the IRC, or have made an application and be working towards tax-exempt status. Any agency that has an agreement with VDACS to further distribute TEFAP foods or funds must review the IRS Automatic Revocation of Exemption List, which is organized by State, and found at <https://www.irs.gov/charities-non-profits/tax-exempt-organization-search>, and determine whether any of the agencies with an agreement are listed. This must be done at least annually to ensure current agencies do not appear on the list. This also should be done when adding a new EFO to your organization. For example, Food Banks must check this list at least annually to ensure their affiliated EFO’s do not appear on this list.

Should an EFO appear on the list, the Food Bank must notify the organization in writing that it has 30 days to provide documentation that it has applied for reinstatement of tax-exempt status, or it will be terminated from TEFAP. The EFO must forward documentation of IRS recognition of tax-exempt status to the Food Bank within 180 days of the written notification.

B. CHARITABLE INSTITUTIONS

Per 7 CFR 250.3, charitable institutions that are not public institutions must be private nonprofit organizations with tax-exempt status. VDACS is responsible for making sure charitable institutions with an agreement with VDACS does not appear on the list, if it does VDACS must immediately notify and terminate from the program that institution. A charitable institution may reapply for the program once its tax-exempt status is reinstated. This must also be done prior to adding any new charitable institutions.

XI. ADMINISTRATIVE REVIEW REQUIREMENTS

A. EFO DISTRIBUTION SITE REVIEWS

The following items should be monitored during the review process:

- Appropriate storage facilities are in use for shelf stable, frozen or refrigerated items.
- Appropriate sanitation and rodent/insect extermination practices.
- Proper security measures are in place to prevent vandalism or theft.
- Appropriate application of household income guidelines and the categorical eligibility status.

- Adherence to TEFAP food distribution guidelines per household (monthly inventory records are the minimum required documentation).
- Conspicuous display of the civil rights poster “And Justice for All” where USDA foods are distributed, along with the civil rights complaint forms. EFO staff comprehends and follows the civil rights complaint procedure. Annual documentation of training to staff/volunteers. If the EFO is advertising their USDA distribution with a flyer, brochure, pamphlet, and/or any advertising material the food bank must ensure that the non-discrimination statement is placed on those items. If an organization is faith-based or religious, the written notice to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider must be prominently displayed.
- EFO retains on file all Food Bank correspondence citing program operation deficiencies.
- Food Bank staff will document improvements when conducting on-site reviews and consider overall program operations before renewing EFO participation in the USDA donated food program.

B. FOOD BANK REVIEWS

VDACS will ensure that the Food Banks are reviewed once each year. Reviews include the following:

- VDACS and Food Bank Agreement.
- Accountability
 - Required financial records and receipts
 - Perpetual and annual food inventory records
- Receipting Paperwork (Received Shipment Report/Requisition Status Report with Consignee Information, Notice of Arrivals, Bill of Ladings, and OS&D's if applicable).
- Invoices Requesting Reimbursements.
- Daily In-Kind Contribution and Quarterly In-Kind Contribution forms.
- Fiscal Year End Inventory, Confirmation of Federal Assistance Received and Commodities Transferred by Each Agency forms.
- Distribution records including proxy notes and legal signatures, eligible categories, and SDI forms.
- Records of food issuance by EFOs (monthly inventories and household served reports) compared to Reports of Distribution.
- Inventory management, transfer documentation.
- Appropriate storage areas and food management practices.
- Food ordering procedures utilizing WBSCM.
- Documentation of loss.
- Physical inventory/Book inventory.
- Review USDA foods distributed to Child Programs.
- Documentation of checking IRS Automatic Revocation of Exemption List.
- Review of civil rights, which include, posting of poster and complaint forms, trainings, complaints, investigations, and pre-award civil rights questionnaires.

ACRONYMS

CR	Civil Rights
EFO	Emergency Feeding Organization
ERA	Eligible Recipient Agencies
FD	Food Distribution, FNS/USDA
FNS	Food and Nutrition Service, USDA
FNSRO	Food and Nutrition Service (FNS) Regional Office
FY	Fiscal Year
HHP	Household Programs, FNS/USDA
OS&D	Over, Short and Damaged
RCM	Regional Commodity Manager
SDA	State Distributing Agency
SDI	Self-Declaration of Income
SFSP	Summer Food Service Program
SNAP	Supplemental Nutrition Assistance Program/Food Stamp
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families
TEFAP	The Emergency Food Assistance Program, FNS/USDA
USDA	United States Department of Agriculture
USDA	United States Department of Agriculture
VDACS	Virginia Department of Agriculture and Consumer Services
WBSCM	Web-Based Supply Chain Management System

APPENDIX

- A. VDACS Agreement Addendum for EFOs
- B. Emergency Food Assistance Program Data Sheet (VDACS-FD 201)
- C. Invoice Requesting Reimbursement (Shared Maintenance)
- D. Report of Distribution (VDACS-FD 203)
- E. Civil Rights Complaint Form
- F. TEFAP Pre-Award Civil Rights Questionnaire
- G. Clarification for Faith Based Organizations
- H. Written Notice of The Right to Be Referred
- I. Income Guidelines (185% of Federal Poverty Level)
- J. Income Guidelines for Reporting In-Kind Contributions
- K. Daily Record of In-Kind Contributions
- L. Quarterly Report of In-Kind Contributions
- M. Temperature Chart
- N. VDACS OS&D Form
- O. Donated Food Loss Report

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- K. Daily Record of In-Kind Contributions
- L. Quarterly Report of In-Kind Contributions
- M. Temperature Chart
- N. VDACS OS&D Form
- O. Donated Food Loss Report
- P. Self-Certification Paragraph for SDI Forms

VDACS AGENCY NUMBER:
 VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
 Division of Marketing - Food Distribution Program
AGENCY AGREEMENT
 Fiscal Year Ending **JUNE 30, 2024**

In order to effectuate the purpose of the Food Distribution Program and to carry out the terms and conditions of an agreement made between the United States Department of Agriculture (USDA) and the Virginia Department of Agriculture and Consumer Services (VDACS), Food Distribution Program, or State Distributing Agency, referred to hereinafter as the State Agency, this agreement is entered into by the State Agency, and;

[Redacted] hereinafter referred to as the Recipient Agency.

(Agency Name) [Redacted]

Mailing Address: [Redacted]

Street/PO Box City State Zip

County or City Where Your Agency Is Located: [Redacted]

Administrator/Superintendent: [Redacted] Phone #: [Redacted]

Administrator/Superintendent's Email Address: [Redacted]

Contact Person: [Redacted] Phone #: [Redacted]

Contact Person's E-Mail Address: [Redacted]

Contact Person's Title: [Redacted] Fax #: [Redacted]

Federal Identification Number (FIN) or tax exempt number: [Redacted]

Number of schools/sites where USDA foods are **prepared**: [Redacted]

Number of schools/sites where USDA foods are **served** (or distributed): [Redacted]

Average Daily Participation (ADP) or Caseload Served: [Redacted]

*****IS A FOOD SERVICE MANAGEMENT COMPANY USED? YES / NO Refer to the paragraph entitled Employment of Food Service Companies on the last page of this agreement.***

WITNESSETH: That, in consideration of the stipulations and agreements herein contained, the parties hereto agree as follows:

THE STATE AGENCY AGREES THAT:

All distribution activities will conform to USDA program regulations, 7CFR Parts 250 and 251, as amended where applicable. These regulations can be found USDA.gov.

1.ALLOCATION OF COMMODITIES

It will offer and allocate donated foods to the Recipient Agency if and when they are made available by the United States Department of Agriculture (USDA). Donated foods will be allocated according to quantities offered to the State Agency with consideration being given to Recipient Agency's requests, refusals and remaining entitlement.

2.PROGRAM MATERIAL

It will provide the Recipient Agency with information and instructions needed to operate the program.

3.AUDIT, INSPECT, AND REVIEW

It will audit, inspect and review records, storage, utilization and operation of the Recipient Agency at reasonable times. It will provide a yearend summary of the quantities/value of USDA foods allocated (federal financial assistance) and reconcile records with the Recipient Agency.

VDACS AGENCY NUMBER:
VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Division of Marketing - Food Distribution Program
AGENCY AGREEMENT
Fiscal Year Ending **JUNE 30, 2024**

4.STATE OFFICE PERSONNEL

It will maintain a State Agency office administrative staff to assist the Recipient Agency with USDA food utilization, storage, record keeping, transfers, investigations, complaints, product holds/recalls and applicable processing options for USDA commodities.

THE RECIPIENT AGENCY AGREES THAT:

All distribution activities will conform to USDA program regulations, 7CFR Parts 250 and 251, as amended where applicable. These regulations can be found at USDA.gov.

1.PROPER AUTHORITY & Use of Administration Funds

It will supervise the storage, distribution, and utilization of all donated foods received in such manner as will insure compliance with the terms and conditions hereinafter set forth and any additional instructions provided by the State Agency. The Recipient Agency will request food quantities which can be consumed without waste. The Recipient Agencies receiving Administration Funds are responsible for the misuse of the program funds.

2.PERSONNEL

It will assume full responsibility for the total operation of their program and will appoint personnel who will make necessary required reports and supervise the program. Changes in key personnel, such as the Superintendent, Administrator, or Food Service Director, must be reported to the State Agency at the time of the personnel change.

3.RECORDS AND REPORTS

Accurate records will be maintained by the Recipient Agency for a period of not less than three years following the close of the fiscal year or longer if the records are related to unresolved claims, actions, audits, or investigations, to which they pertain. These records will contain information pertaining to all transactions relating to the receipt, storage, distribution, use and disposal of donated foods. The Public School Recipient Agency will track submission of rebates and the revenue received. The Recipient Agency will submit information and reports covering operations as required by the State Agency. Recipient Agency personnel will be familiar with the Agency Handbook of Instructions published by the State Agency.

Institutions (agency numbers that start with 31, 41, 50, 60, 67, 70 or 80), such as charitable agencies, hospitals, correctional facilities, food banks, summer camps, and summer feeding programs must maintain perpetual inventory records at each preparation and/or storage site.

4.RIGHT OF INSPECTION & AUDIT

Representatives of the State Agency, USDA, and other authorized personnel may audit, review, and inspect donated foods, facilities, records, and procedures and methods used in carrying out the requirements of this program at any reasonable time and place.

5.CIVIL RIGHTS COMPLIANCE

The program applicant hereby agrees that it 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), disability, age, or reprisal or retaliation for prior civil rights activity 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.

All feeding sites must have the "And Justice for All" Poster displayed where recipients of the food can read it.

6.COMPLAINTS

VDACS AGENCY NUMBER:
VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Division of Marketing - Food Distribution Program
AGENCY AGREEMENT

Fiscal Year Ending **JUNE 30, 2024**

Recipient Agency personnel will promptly investigate complaints received in connection with the receipt, storage, utilization, and distribution of donated foods, correct any irregularities and promptly report each instance to the State Agency. Recipient Agency will maintain on file evidence of such investigation and actions. The State Agency and the USDA reserve the right to investigate and will have the final determination as to when a complaint has been properly adjusted.

7. USE OF DONATED FOODS

Donated foods received from the State Agency will be used solely for the benefit of the intended persons in or served by the Recipient Agency. Normal food expenditure will not be reduced because of the receipt of donated foods.

The Recipient Agency will assure that donated foods will not be used as a means for furthering political interest of any individual or party, and that there will be no discrimination in the distribution and use of donated foods. **USDA donated foods will not be sold, exchanged, or traded.** USDA donated foods transferred or otherwise disposed of will be documented in accordance with good inventory management/control practices.

To ensure that the value of USDA Donated Foods allocated to the Recipient Agency for use in its eligible feeding program benefits the intended recipients, the following conditions must be met if the Recipient Agency or its Agent uses its facilities to prepare meals for another party not authorized to receive USDA foods and by virtue of common preparation of meals, USDA foods are used in these outside meals:

- a. The price charged to the other party will be sufficient to cover the average value of USDA foods that are used in these meals.
- b. Revenue received by Recipient Agency will be deposited in the Recipient Agency's Food Service Account.
- c. Sufficient quantities of commercial foods in like kind will be purchased to replace the donated foods.

8. STORAGE

The Recipient Agency will provide storage facilities which insure USDA donated foods are stored at proper temperatures (refrigerators/coolers should be kept between 32° and 40°, freezers should be maintained at 0° or below), under sanitary conditions which are free from rodent, bird, insect, or other animal infestation, in well ventilated areas safeguarded against theft, spoilage and other losses, stored on pallets, shelves, or racks, and organized to provide access to foods. Donated foods will be rotated using the oldest first. Temperatures of freezers and coolers will be checked no less than three times each week, and records of such checks maintained. This includes periods of agency closure such as weekends, Holidays, and summer break. Storage facilities will be maintained to insure the above requirements are met.

9. STORAGE AND TRANSPORTATION COSTS

The Recipient Agency will be responsible for the cost of storing and transporting donated foods allocated by the State Agency.

10. Distribution Assurance

Food banks will assure distribution of donated foods to eligible recipient agencies in a timely manner, in optimal condition, and in amounts for which such recipient agencies are eligible.

11. IMPROPER DISTRIBUTION, LOSS, OR DAMAGED FOODS

USDA foods become the responsibility of the Recipient Agency upon receipt. If there is an improper distribution, use, loss, or damage to donated foods through the Recipient Agency's failure to provide proper storage, care, or handling, including lack of required records to demonstrate proper use or distribution, a claim determination will be made by the State Agency. The school Recipient Agency can dispose of damaged donated foods as necessary.

VDACS AGENCY NUMBER:
VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Division of Marketing - Food Distribution Program

AGENCY AGREEMENT

Fiscal Year Ending **JUNE 30, 2024**

11. IMPROPER DISTRIBUTION, LOSS, OR DAMAGED FOODS (Continued)

When a claim arises in favor of the Recipient Agency against a warehouseman, distributor, or other person for the loss or damage to USDA donated foods, it is the Recipient Agency's responsibility to take all action necessary to obtain restitution. Any payment received will be used to replace the donated foods lost or paid to the State Agency. Losses or damage to USDA foods attributed to a distributor under state contract will be pursued by the State Agency on behalf of the recipient agencies involved. Any restitution will be prorated to benefit the recipient agencies that incurred the losses.

12. TRANSFER OF FOODS

Any Recipient Agency that cannot properly utilize USDA donated foods allocated to it may request that the State Agency transfer the foods to another agency. Transfer of donated foods from a school district to a non-school recipient agency will be made only with authorization (transfer order) by the State Agency.

The Recipient Agency agrees to release any or all donated foods to the State Agency in case of a state of emergency of any kind declared by the Governor of Virginia or Federal Authorities or when foods are not being properly utilized. The Recipient Agency agrees to abide by USDA's commodity hold/recall procedures as implemented by the State Agency.

13. PROCESSING OF DONATED FOODS

No donated foods will be processed outside the Recipient Agency's premises by converting them into different end products or repackaging them except under written contracts entered into by USDA, the State Agency, or Recipient Agency. Recipient Agency must secure advance written approval by the State Agency of any local agency contract it wishes to enter. Recipient Agency will not release donated foods for any processing without written verification from the State Agency that a contract has been approved with that specific processor. By virtue of this agreement, Recipient Agency may become a party to processing agreements signed between the State Agency and commercial processors.

14. EMPLOYMENT OF FOOD SERVICE COMPANIES

SCHOOLS: The Recipient Agency will not employ the services of a Food Service Management Company unless the contract with such a company is approved by the State Department of Education before the date of service begins. The Recipient Agency will designate an appropriate school division official (official must be employed by the city or county government) to order commodities and maintain records for the USDA Commodity Program. **INSTITUTIONS:** The contract must be approved by the State Agency. Such contracts will not be for more than one year, but may be extended for four additional one year periods. A copy of any food service management contract in effect must be submitted to the State Agency with renewal of this agreement.

15. COMPLIANCE WITH SINGLE AUDIT ACT REQUIREMENTS

Recipient Agency non-profit institutions will obtain an audit in accordance with OMB Circular A-133 when total federal financial assistance including, but not limited to, USDA foods expended exceeds \$750,000 per year. This includes Recipient Agencies under Virginia local governments. City, County or State Agency audits must include all Recipient Agencies under their cognizance to determine if total federal assistance expended meets the \$750,000 threshold. A copy of any audit reports required because of the expended value of USDA donated foods will be provided to the State Agency.

16. COMPLIANCE WITH VDACS RECALL POLICY

VDACS AGENCY NUMBER:
VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Division of Marketing - Food Distribution Program

AGENCY AGREEMENT

Fiscal Year Ending **JUNE 30, 2024**

It is important to send complaints about USDA Foods to your State Agency, so that the State Agency may, in turn, report them to USDA FNS. Sometimes, a complaint involves a food safety concern and sometimes the complaint reflects a quality issue. It is important to have a good feedback system in order to respond quickly to food safety concerns and improve product quality.

Contact Person: Title:

Contact Person's E-Mail Address:

Phone #(1): Phone #(2):

Contact Person: Title:

Phone # (1): Phone #(2):

Contact Person's E-Mail Address:

AMENDMENT OR TERMINATION OF THIS AGREEMENT

The State Agency reserves the right at any time to modify or amend this Agreement. It will give the Recipient Agency written notice of any modification of, or amendment to this Agreement and reasonable opportunity to conform its operations to any amendments. This Agreement will become effective on the date both parties sign below. Either party hereto may, by giving at least 30 days' written notice, terminate this Agreement.

Upon receipt of evidence that terms and conditions of this Agreement have not been fully complied with by the Recipient Agency, the State Agency may cancel this Agreement immediately. Any termination of this Agreement for non-compliance with Title VI of the Civil Rights Act of 1964 will be in accordance with applicable laws and regulations. Upon any termination of this Agreement, the Recipient Agency agrees to transfer all donated foods remaining in its possession or control per the direction of the state agency and to maintain all existing Records and Reports, Right of Inspection, and Audit for a period of three years.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates noted below:

VIRGINIA DEPARTMENT OF AGRICULTURE
& CONSUMER SERVICES, Division of
Marketing, Food Distribution Program

RECIPIENT AGENCY

Seth Benton, Administrator
Print Name and Title

Print Name and Title

Seth Benton
Signature

**Signature of School Superintendent or
Agency Administrator**

Date 5/10/2023

Date

Virginia Commodity Supplemental Food Program (CSFP) Agreement
Virginia Department of Agriculture & Consumer Services
Division of Marketing – Food Distribution
Sub Agency Agreement

Name of Organization: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____ **County:** _____

Phone: _____ **Fax:** _____ **Email:** _____

Distribution Site: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____ **County:** _____

Phone: _____ **Fax:** _____ **Email:** _____

Authorized Representative & Title: _____

(Person responsible for site paperwork and for distributing CSFP food boxes monthly)

Names of persons authorized to sign for CSFP food boxes:

Name: _____ **Phone:** _____

Name: _____ **Phone:** _____

Name: _____ **Phone:** _____

Days and times of CSFP Distribution:

Circle the day(s) you will distribute CSFP Boxes: Mon. Tues. Wed. Thurs. Fri. Sat. Sun.

Specify which day(s) of the month you will distribute CSFP Boxes:

What hour(s) will you be open to distribute the CSFP Boxes? From _____ To _____

Do you have a refrigerator on site to store perishable items until recipients pick them up? _____

Do you have a secure (locked) room, cabinets, closets, shelves, etc. to store CSFP Boxes until recipients pick them up? _____

BY SIGNING THIS DOCUMENT, THE SITE COORDINATOR AGREES TO THE FOLLOWING REGULATIONS:

Code of Federal Regulations:

An assurance that each agency will administer the program in accordance with the provisions of Part 247 and with the provisions of Part 250 of this chapter, unless they are inconsistent with:

247.4(b)(1) An assurance that each agency will administer the program in accordance with the provisions of Part 247 and with the provisions of Part 250 of this chapter, unless they are inconsistent with the provisions of Part 247;

247.4(b)(2) An assurance that each agency will maintain accurate and complete records for a period of three years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations;

247.4(b)(3) A statement that each agency receiving USDA Foods for distribution is responsible for any loss resulting from improper distribution, or improper storage, care, or handling of USDA Foods; 247.4(b)(4) A statement that each agency receiving program funds is responsible for any misuse of program funds;

247.4(b)(5) A description of the specific functions that the local agency is delegating to another agency (if applicable);

247.4(b)(6) A statement specifying that either party may terminate the agreement by written notice to the other; and the minimum number of days of advance notice that must be given (must be at least 30 days).

FNS Instruction-113-1, Appendix C, Section F.

A statement specifying the following: The program applicant hereby agrees that it 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), disability or reprisal or retaliation for prior civil rights activity 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.

VDACS Regulations:

- Each Agency will sign and comply with the VDACS Agreement and Sub Agency Agreement annually.
- The Sub Recipient Agency will provide storage facilities which ensure USDA donated foods are stored at proper temperatures (refrigerators/coolers should be kept between 32° and 40°, freezers should be maintained at 0° or below), under sanitary conditions which are free from rodent, bird, insect, or other

animal infestation, in well-ventilated areas safeguarded against theft, spoilage and other losses, stored on pallets, shelves, or racks, and organized to provide access to foods. Donated foods will be rotated using the oldest first. Temperatures of freezers and coolers will be checked no less than three times each week, and records of such checks maintained. This includes periods of agency closure such as weekends, holidays, and summer break.

- Distribute a CSFP box each month to each senior that has been certified and approved by the Food Bank.
- Comply with all State and Federal CSFP regulations.
- Certify recipients' applications, at your site every twenty-four (24) months.
- Display the "And Justice for All" poster and all required CSFP information at your site of distribution.
- Serve all approved recipients regardless of race, age, color, national origin, sex (including gender identity and sexual orientation), disability or reprisal or retaliation for prior civil rights activity.
- Have available at distribution nutrition education materials as made available by the Food Bank.
- Maintain a copy of all agreements, certification forms, invoices, etc. on file for the amount of time required by the Food Bank.
- Sub Recipient Agency assumes responsibility for the food between the time it is received from the Food Bank until it is distributed to the recipients.
- Do not sell, barter or exchange the food for money or other goods or services.
- Ensure that no CSFP commodities are used for political interest by any parties, nor used for outreach, refreshments or for any purpose other than distribution to CSFP participants.
- Notify the Food Bank promptly if a change takes place in the program address, site coordinator, phone number, days of distribution, etc.
- Send one representative from your program to any meeting/training that the Food Bank deems mandatory.
- Agree to give the Food Bank three (3) months advance notice if you intend to terminate the CSFP program at your site.
- Agree to unannounced monitoring visits by the Food Bank, Virginia Department of Agriculture and Consumer Services, and the United States Department of Agriculture.
- Notify Food Bank of any income changes for participants within 10 days of change.

USDA 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, audiotape, 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/ad-3027.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:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

By signing, I agree that the information provided on this application is complete and accurate to the best of my knowledge.

Signature of Agency Representative

Date

VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Division of Marketing – Food Distribution
P. O. Box 1163, Richmond, VA 23218
Phone (804) 786-3936

Agency Number _____

AGREEMENT ADDENDUM
Fiscal Year Ending June 30, 2024

- With regard to meeting standards for storage facilities, the following applies to Section 8, storage, of your annual agreement. Take other protective measures as may be necessary. Distributing agencies, sub-distributing agencies and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or health inspection and/or approvals and that such inspection/approvals are current. (As per 250.14(d) (1) which references inclusion of 250.14(b). This citation is actually 250.14(b) (6).)
- Under Section 8, Storage, of your annual agreement: Evidence that donated food shall be clearly identified (as per 250.14(d) (2)) and, assurance that an inventory system shall be maintained and an annual physical inventory will be conducted and reconciled with the inventory records (as per 250.14 9(d) (3)).
- Under section 10, Improper Distribution, loss or damaged food, of your annual agreement, Food banks will assure distribution of donated foods to eligible recipient agencies in a timely manner, in optimal condition, and in amounts for which such recipient agencies are eligible (as per 7CFR 250.12(f)(4)).
- Under section 11, Improper Distribution, loss or damaged food, of your annual agreement, 250.14(d) (7) references that “the amount of insurance coverage, which has been purchased to protect the value of food items which are being stored”. The recipient agency ensures that they have purchased insurance coverage to protect the value of food items that are being stored.

This addendum must be signed and returned with your agreement in order to receive USDA Foods.

Virginia Department of Agriculture and
Consumer Services, Food Distribution Program

Food Bank

Seth Benton, Program Administrator
Print Name and Title

Print Name and Title

Seth Benton
Signature

Signature

May 18, 2021
Date

Date

INVOICE REQUESTING REIMBURSEMENT FOR DISTRIBUTING USDA COMMODITIES

Food Bank Name: _____

Food Bank Agency #: _____

The following USDA commodities are listed for reimbursement of the shared maintenance fee set by VDACS:

Material Code	Material Description	Sales Order #	A Net Weight pounds/case	B Number Cases Received	C Reimbursement rates/pound	AxBxC Reimbursement per Commodity
					0.19	0.19
					0.19	0.19
					0.19	0.19
					0.19	0.19
					0.19	0.19
					0.19	0.19
Total Reimbursement Requested:						1.33

Signature: _____

Date: _____

For reimbursement, mail the signed original of this form, the original consignee report and all shipment documentation to:

Virginia Department of Agriculture and Consumer Services

Food Distribution Program

P.O. Box 1163

Richmond, VA 23218

FOOD BANK REPORT OF DISTRIBUTION
 Virginia Department of Agriculture Consumer Service
 Division of Marketing
 Food Distribution Program

Food Bank Name: _____ Food Bank Agency #: _____

DISTRIBUTION PERIOD AND REPORT DATE

JAN-MAR (DUE APR 30) APR-JUN (DUE JUL 30) JUL-SEPT (DUE OCT 30) OCT-DEC (DUE JAN 30)

MATERIAL CODE									
MATERIAL									
QUANTITY ON HAND									
QUANTITY RECEIVED									
QUANTITY AVAILABLE									
QUANTITY DISTRIBUTED									
*DAMAGED									
TRANSFER									
INVENTORY									
PHYSICAL COUNT									
DISCREPANCIES									
(PHYSICAL COUNT - INVENTORY)									

ALL ENTRIES SHOULD INDICATE CASES/BALES

*Explain Any Damaged Commodities: _____

NUMBER OF HOUSEHOLDS SERVED: _____ NUMBER OF INDIVIDUALS SERVED: _____

Prepared by: _____

Director's Signature: _____ Date: _____

QUANTITIES SHOWN AS A PHYSICAL COUNT MUST BE CARRIED OVER TO THE NEXT QUARTERLY REPORT OF DISTRIBUTION.
 MAIL THIS FORM TO YOUR REGIONAL COMMODITY MANAGER WITHIN 40 DAYS AFTER THE CALENDAR QUARTER.

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights

USDA Program Discrimination Complaint Form Instructions
(The complaint form is below the instructions)

PURPOSE: The purpose of this form is to assist you in filing a USDA program discrimination complaint. For help filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter it must contain all of the information requested in the form and be signed by you or your authorized representative. Incomplete information will delay the processing of your complaint.

You may also send a complaint by FAX or e-mail. We must have a signed copy of your complaint, so if you send your complaint by e-mail, be sure to attach the signed copy to your email. Incomplete information or an unsigned form will delay the processing of your complaint.

FILING DEADLINE: A program discrimination complaint must be filed not later than 180 days of the date you knew or should have known of the alleged discrimination, unless the time for filing is extended by USDA. Complaints sent by mail are considered filed on the date the complaint was signed, unless the date on the complaint letter differs by seven days or more from the postmark date, in which case the postmark date will be used as the filing date. Complaints sent by fax or email will be considered filed on the day the complaint is faxed or emailed. Complaints filed after the 180-day deadline must include a 'good cause' explanation for the delay. For example, you may have "good cause" if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period;
2. You were seriously ill or incapacitated;
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

USDA POLICY: Federal law and policy prohibits discrimination against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs).

USDA will determine if it has jurisdiction under the law to process the complaint on the bases identified and in the programs involved. Reprisal that is based on prior civil rights activity is prohibited.

PROPERTY ADDRESS: If this complaint involves a farm or other real estate property that is not your current address, write in the address for that farm or real estate property. Otherwise, this part of the form can be left blank.

**PLEASE READ IMPORTANT LEGAL INFORMATION BELOW
CONSENT**

This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974, 5 U.S.C. §552a, and concerns the information requested in this form to which this Notice is attached. The United States Department of Agriculture's Office of the Assistant Secretary for Civil Rights (USDA) requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint case, the information collected during the investigation will be used to process your program discrimination complaint.

Disclosure is voluntary. However, failure to supply the requested information or to sign the form may result in dismissal of your complaint. If your complaint is dismissed you will be notified. The information you provide in this complaint may be disclosed to outside parties where USDA determines that disclosure is: 1) Relevant and necessary to the Department of Justice, the court or other tribunal, or the other party before such tribunal for purposes of litigation; 2) Necessary for enforcement proceedings against a program that USDA finds to have violated laws or regulations; 3) In response to a Congressional office if you have requested that the Congressional office inquire about your complaint or; 4) To the United States Civil Rights Commission in response to its request for information.

REPRISAL (RETALIATION) PROHIBITED:

No Agency, officer, employee, or agent of the USDA, including persons representing the USDA and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.



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

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

E-mail address (if you have one): _____

Telephone Number starting with area code: _____

Alternate Telephone Number starting with area code: _____

Best Time of the Day to Reach You _____

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

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

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

First Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

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

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

Please name the program you applied for (if known/If applicable): _____

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

Farm Service Agency

Food and Nutrition Service

Rural Development

Natural Resource Conservation Service

Forest Service

Other: _____

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

3. When did the discrimination occur?

Date: _____
 Month Day Year

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

4. Where did the discrimination occur?

Address of location where incident occurred:

Number and street, PO Box, or RD Number

City State Zip Code

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

I believe I was discriminated against based on my

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

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

Yes: _____ No: _____

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

When did you file? _____
Month Day Year

Signature: _____

Date: _____

Mail Completed Form To:

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

E-mail address:
program.intake@usda.gov

Telephone Numbers:

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

PAPERWORK REDUCTION ACT AND PUBLIC BURDEN STATEMENTS:

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to ensure that your complaint contains all the information required to file a complaint. The Office of the Assistant Secretary for Civil Rights will use the information to process your complaint of program discrimination.

Response to this request is voluntary. The information you provide on this form will only be shared with persons who have an official need to know, and will be protected from public disclosure pursuant to the provisions of the Privacy Act, 5 U.S.C. § 552a(b).

The estimated time required to complete this form is 60 minutes. You may send comments regarding the accuracy of this estimate and any suggestions for reducing the time for completion of the form to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Washington, DC 20250-9410.

An Agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for this form is 0508-0002.

PRE-AWARD CIVIL RIGHTS QUESTIONNAIRE -- THE EMERGENCY FOOD ASSISTANCE PROGRAM

Instructions

The following questionnaire must be submitted by all applicant agencies. The questionnaire must be answered in its entirety and signed by an authorized official prior to submission. Please be informed that failure to comply with this procedure may delay the application process.

Purpose

Civil rights laws and regulations ensure equal access to federally assisted programs regardless of a person's race, color, national origin, age, sex or disability. Organizations that apply for the opportunity to operate federally assisted programs must demonstrate their ability to comply with such civil rights laws and regulations *prior* to receiving approval to conduct the programs.

Questions

1. What method(s) will be used to recruit participants? (Some examples may include, but are not limited to, applications, open enrollment, referrals from social welfare, courts, etc.)

2. Is the FNS nondiscrimination statement appropriately included in the agency's admissions requirements? Please provide a sample document.

3. Provide examples of how the program will be publicly announced to all potential participants regardless of race, color, national origin, age, sex or disability. Attach copies of relevant brochures, news articles, bulletins, television and/or radio ads, etc. Include documentation of efforts to inform community organizations about the program, including copies of letters, lists of organizations contacted.

4. Does the present location of the facility deny potential participants access to benefits on the basis of race, color, national origin, age, sex or disability?

5. Using the following definitions of ethnicity and race, provide an estimate (in percentages) of the ethnic and racial makeup of the population to be served. This data can be obtained online at <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>.

Ethnicity

- *Hispanic or Latino.* A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”
- *Not Hispanic or Latino.*

Race

- *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- *Asian.* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- *Black or African American.* A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”
- *Native Hawaiian or Other Pacific Islander.* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *White.* A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Ethnicity

Hispanic or Latino	Not Hispanic or Latino

Race

American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White

6. Provide the ethnic and racial makeup of any planning or advisory committees.

Ethnicity

Hispanic or Latino	Not Hispanic or Latino

Race

American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White

7. How will the organization handle applicants and participants who do not speak English as their primary language and who have a limited ability to read, write or understand English?

8. Has there ever been a complaint or civil rights lawsuit filed against the organization? If so, explain the nature of the complaint, how it was resolved and how the proper Federal authorities were notified.

9. Has the organization ever been found out of compliance with civil rights requirements? If so, explain the area of noncompliance and how it was resolved.

10. Provide a brief description of any pending applications to other Federal agencies for assistance. Include a description of any Federal assistance being provided at the time of application.

Signature and Title of Authorized Official

Name of Agency

Agency Address

FOR STATE AGENCY USE ONLY

Date: _____

Approved ()

Disapproved ()

Reviewed by: _____

**The Emergency Food Assistance Program (TEFAP) –
Written Notice of Beneficiary Rights**

Name of Organization:

Contact Information for Program Staff: Name

Phone Number

Email Address

Because TEFAP is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that—

- We may not discriminate against you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary;
- We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance;
- If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and
- You may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

We must provide you with this written notice before you enroll in TEFAP or receive services from TEFAP, as required by 7 CFR part 16.

Alternate Service Location(s) or State Agency Contact Information:

Name of Organization and Contact Person

Phone Number

Email Address

This Institution is an Equal Opportunity Provider



United States Department of Agriculture

7 CFR Part 16 – Equal Opportunity for Religious Organizations

Clarification for Faith-Based Organizations Operating The Emergency Food Assistance Program (TEFAP) and The Commodity Supplemental Food Program (CSFP)

Purpose – Ensures that religious organizations have a level playing field when participating in USDA programs

Rights of Religious Organizations Operating TEFAP or CSFP

- ❖ FNS and TEFAP/CSFP State agencies, in the selection of service providers, are prohibited from discriminating for or against an organization based on that organization’s religious character or affiliation.
- ❖ Decisions about awards of USDA assistance must be free from political interference.
- ❖ Organizations can retain their independence.
- ❖ Organizations can use their facilities to provide services without removing religious materials.

Responsibilities of Organizations Participating in TEFAP or CSFP

- ❖ Organizations must not discriminate against program participants or prospective participants on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
- ❖ Organizations may not engage in explicitly religious activities as part of TEFAP or CSFP. This includes activities that involve overt religious content, such as worship, religious instruction, or proselytization.
- ❖ Organizations must not require program participants or prospective participants to participate in explicitly religious activities in order to receive TEFAP or CSFP. If there is an explicitly religious activity that takes place at the distribution site, it must be separate in time or location.
- ❖ Organizations must make it clear that explicitly religious activities are not endorsed by the USDA.
- ❖ Organizations cannot use TEFAP or CSFP funds to support any explicitly religious activities, speech, or materials.
- ❖ Beneficiary Protections – for more information see Policy Memorandum FD -138: Clarification on Written Notice and Referral Requirements for Religious Organizations.

EXAMPLE DO’S & DON’TS FOR ORGANIZATIONS OPERATING TEFAP OR CSFP

<i>It is acceptable to...</i>	<i>It is unacceptable to...</i>
Have a cross hanging on a wall at the food distribution facility.	Require participants to stand by the cross and recite a prayer prior to receiving USDA Foods.
Have a menorah on a table at the food distribution facility during the holiday season.	Refuse USDA Foods to participants who do not practice the Jewish faith.
Have a display stand at the front/back of the facility that contains faith-based pamphlets for anyone interested.	Insert faith-based pamphlets in bags or boxes when distributing USDA Foods.
Have a pastor or other religious official assist with the distribution of USDA Foods.	Force or encourage participants to have a religious conversation with the pastor or official prior to receiving USDA Foods.

TEFAP Household Income Guidelines 2022

185% of the 2022 poverty guidelines used to determine TEFAP eligibility in Virginia:

Family Size	Weekly	Bi-weekly	Monthly	Annual
1	\$484	\$967	\$2,096	\$25,142
2	\$652	\$1,303	\$2,823	\$33,874
3	\$820	\$1,639	\$3,551	\$42,606
4	\$988	\$1,975	\$4,279	\$51,338
5	\$1,156	\$2,311	\$5,006	\$60,070
6	\$1,324	\$2,647	\$5,734	\$68,802
7	\$1,492	\$2,983	\$6,462	\$77,534
8	\$1,659	\$3,318	\$7,189	\$86,266
*				

*For family units of more than 8 members, add \$168 weekly, \$336 Bi-weekly, \$728 monthly or \$8,732 yearly for each additional member.

**GUIDELINES FOR REPORTING IN-KIND CONTRIBUTIONS FOR STATE
LEVEL EXPENSES INCURRED IN MONITORING EMERGENCY FEEDING
ORGANIZATIONS**

Area Food Banks have agreed to document staff time and mileage incurred in monitoring and reviewing the activities of emergency feeding organizations (EFOs) which serve as outlets for USDA foods for household use. The following will serve as guidance for documenting and reporting such in-kind contributions for use by the Virginia Department of Agriculture & Consumer Services (VDACS) as a state match against the federal TEFAP grant.

1. Any area Food Bank affiliated EFO that serves as an approved outlet for USDA foods must sign an Agreement Addendum with VDACS agreeing to uphold the responsibilities entailed in distribution of USDA foods.
2. Food Bank staff will document the time and mileage incurred in monitoring and reviewing EFO operations by completing the Daily Record of In-Kind Contributions. Reviewers should use the current state agency TEFAP Handbook for guidance in monitoring the EFOs.
 - a. All mileage, in whole increments, and points of travel for a round trip to an EFO should be recorded. The preparation time, time spent on site reviewing their procedures, records, and giving instructions follow up time and travel time should be recorded as total hours for this activity (report to the nearest ½ hours). The Food Bank staff conducting the review must sign the form.
3. All Daily Record of In-Kind Contributions forms will be collected and maintained by the area Food Bank. At the end of each calendar quarter, the Food Bank will complete the Quarterly Report of In-Kind Contributions form. This form will document the total hours and mileage contributed for the quarter. The form must be signed by an authorized food bank staff person certifying that no federal funds were expended in providing the administrative oversight reported.
4. The Quarterly Report of In-Kind Contributions form must be submitted to VDACS within 40 days after the end of the calendar quarter. All pertinent Daily Record of In-Kind Contributions form with original signatures must be attached to the quarterly report to substantiate the hours and mileage summarized on the quarterly report. Copies of these forms should be retained at the Food Bank for audit purposes.

DAILY RECORD OF IN-KIND CONTRIBUTIONS FOR:

Food Bank Name _____ Agency #: _____

STATE LEVEL EXPENSES INCURRED BY AREA FOOD BANKS IN MONITORING EMERGENCY FEEDING ORGANIZATIONS

(Complete this form daily when reviewing EFO's handling USDA commodities.)
Record in half hour and whole mile increments.

_____ Emergency Feeding - Organization Outlet	_____ Date of Review(s)
_____ Prep Time + On Site Time + Follow Up Time + Travel Time =	_____ Total Hours
_____ Travel From & To	_____ Miles Traveled
_____ Emergency Feeding - Organization Outlet	_____ Date of Review(s)
_____ Prep Time + On Site Time + Follow Up Time + Travel Time =	_____ Total Hours
_____ Travel From & To	_____ Miles Traveled
_____ Emergency Feeding - Organization Outlet	_____ Date of Review(s)
_____ Prep Time + On Site Time + Follow Up Time + Travel Time =	_____ Total Hours
_____ Travel From & To	_____ Miles Traveled

TOTALS THIS SHEET:

TOTAL HOURS	TOTAL MILES
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Signature of Reviewer

QUARTERLY REPORT OF IN-KIND CONTRIBUTIONS

Food Bank Name: _____ Agency #: _____

STATE LEVEL EXPENSES INCURRED BY AREA FOOD BANKS IN MONITORING EMERGENCY FEEDING ORGANIZATIONS

(Submit this report to VDACS within 40 days after the end of the quarter.
Attach all original documentation supporting this report and retain copies for your files.)

_____ JAN-MAR (DUE APR 30) _____ APR-JUN (DUE JUL 30) _____ JUL-SEPT (DUE OCT 30) _____ OCT-DEC (DUE JAN 30)

	TOTAL HOURS AND MILES
TOTAL HOURS FOR FIELD MONITORING OF EFO'S	
TOTAL MILES INCURRED FOR FIELD MONITORING	

I hereby certify that the expenses and wages reported herein were either contributed by volunteers or were recompensed with other than Federal funds.

Signature of Food Bank Director or Authorized Staff

Date

OVER, SHORT AND DAMAGED FORM

VDACS – Food Distribution

This form must be submitted electronically (fax or email) to your RCM within 3 business days of item being received.

Distributor/Foodbank: _____

Sales Order #: _____

Material #: _____ Material Description: _____

(Check One) Over Short Damaged

Amount that should have shipped: _____ / _____
Cases Pounds

Amount actually received: _____ / _____
Cases Pounds

Difference (+/-): _____

Date Truck was received: _____

Date Order Received in WBSCM: _____

Agency Adjustments (only required for distributors):

<u>Agency Name</u>	<u>Agency #</u>	<u>Original Number Of Cases On Order</u>	<u>Case Adjustment</u>	<u>Total Cases Received</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Distributor/Foodbank Signature

Date

Any processing items that arrive over, short or damaged, please call Tami Radcliff at 804-786-0665.

**APPENDIX P
VIRGINIA DEPARTMENT OF AGRICULTURE - COMMODITY DISTRIBUTION**

USDA FOOD LOSS REPORT

To be completed by Virginia Department of Agriculture and Consumer Services (VDACS):	Total Value of Loss: _____ Agency Number: _____
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Date This Loss Report was Completed: _____
 Date Loss Discovered: _____
 Date Recipient Agency Notified VDACS: _____

Recipient Agency Name: _____

Location Where Loss Occurred: _____

Food:				
Pack Date:				
Date Received:				
Quantity Lost:				
Unit Value:				
Total Value:				

Infestation/Spoilage/Contamination

Insects: _____ Rodents: _____ Other (explain): _____

Food examined when received? Yes: _____ No: _____
 If no, why not? _____

Extermination treatment frequency: _____

Date of last treatment: _____

Storage conditions:	YES	NO
Palletized	_____	_____
Ventilated	_____	_____
First in, first out	_____	_____

Temperature range: _____

Summary

Total value of lost food(s): _____
Payment recipient agency received from
warehouse, insurance, or freezer company _____
Salvage income/value of recouped food _____
Total claim _____

Was negligence involved in this loss? Yes: ____ No: ____

Reason: _____

Signature of Recipient Agency Representative Title Date

VDACS Recommendation

No claim: _____ Claim: _____

Reason: _____

Signature of VDACS Official Date