



Indiana State
Department of Health

The Emergency Food Assistance Program (TEFAP)

TEFAP MANUAL 2016

INDIANA TEFAP POLICIES AND PROCEDURE MANUAL

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Section 1

INTRODUCTION

PURPOSE

The Manual contains information about The Emergency Food Assistance Program (TEFAP) policies, rules, and regulations for Eligible Recipient Agencies (ERAs) and their food outlets (food pantries, soup kitchens or homeless shelters).

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

TERMS, DEFINITIONS & ACRONYMS

The following is a list of Federal, State and local terms, acronyms and definitions used throughout the manual.

ADA – American Disabilities Act - Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from our country's businesses and services and to afford our businesses and services the opportunity to benefit from the patronage of all Americans.

To receive an ADA compliance checklist, contact your Disability and Business Technical Assistance Center. To be automatically connected to your regional center call 1-800-949-4ADA.

Client Choice – Allows clients to choose from all the food products and non-food products that are available in a pantry. These choices may have limitations on particular products and the number of allowable items may vary because of the availability of products. Different forms of client choice are allowable based on space restrictions. However, clients must always be allowed to choose pantry items and food distributions **cannot include pre-packed bags or boxes.**

CFR – Code of Federal Regulations - Contains the regulations governing all federal programs. The Emergency Food Assistance Program is covered in Section 7 CFR 250 and 251.

DFR LOCAL OFFICE - The Division of Family Resources County Office. This is the former county Welfare Office.

Domestic Violence shelter – A facility that houses families that are, or have been, victims of domestic violence. They offer room and board as well as ancillary services.

Eligible household – 1) a person or group of people whose resources are pooled and whose household income falls below the established income guidelines; 2) persons who, because of acts of God or man-made disasters, are in need of food assistance.

ERA- Eligible Recipient Agency– An agency that has entered into an agreement with ISDH to administer the distribution of USDA food products.

Food bank - A non-profit/not-for-profit organization that can be a member of Feeding America, a Subsidiary Distribution Organization (SDO) or an independent agency that distributes USDA food products and privately donated food within a designated service area. Food Banks can charge maintenance fee for poundage of privately donated food and non-food items. The Food Bank cannot require membership in order to receive USDA food items or charge a maintenance fee for USDA food products.

Food outlet – A physical location where food and/or non-food products are given to an eligible recipient. A food outlet may be a food pantry, a soup kitchen or a homeless shelter. A food outlet cannot be a private home.

Food pantry - A non-profit organization that provides donated food in sufficient variety and quantity in order to meet some of the nutritional needs for a family or individual. The pantry maintains regularly scheduled hours. Food products and non-food products must be available on a continual basis and must be distributed with privately donated

food in addition to USDA food products. (USDA food might not always be available). Clients must be able to choose items in the pantry.

Food products – dry, refrigerated and/or frozen food product (commodities) that are made available for donation by the United States Department of Agriculture.

FNS – Food and Nutrition Service – A Division of the United States Department of Agriculture responsible for the nationwide administration of several federal nutrition programs including TEFAP.

FY - Fiscal Year – A twelve-month period used for accounting and reporting purposes. The Fiscal Year for TEFAP is October 1 to September 30.

Homeless shelter – A facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general, or for specific populations of the homeless.

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

ISDH – Indiana State Department of Health - The State agency responsible for overseeing federal entitlement funding for TEFAP.

Ineligible food outlets – Ineligible food outlets include: private pay or for-profit institutions, State facilities, nursing homes, jails, hospitals, orphanages, residential facilities for the aged or disabled, nutrition programs for the elderly, substance abuse centers, group homes, halfway houses, private homes, homes that receive a per diem for residents and day care centers.

Soup kitchen – a facility that offers a prepared meal in a clean and secure environment without charge to recipients. Soup kitchens serve prepared nutritious meals in a congregate setting or take-home prepared meal(s) without charge, for homeless persons, transient persons and/or others in need. Meals served in homeless shelters, domestic violence shelters, and Kid's Café's are considered soup kitchens for TEFAP purposes.

TEFAP - The Emergency Food Assistance Program - The Federal title of one of the programs for the distribution of USDA food products in the United States.

USDA – United States Department of Agriculture - Cabinet level agency responsible for federal aspects of TEFAP and other federal agriculture and nutrition programs.

Section 2

ELIGIBILITY GUIDELINES

FEDERAL REGULATIONS

USDA regulations require that states set standards for determining the eligibility of households to receive USDA food products through TEFAP. The standards must be based on income and household size. The federal regulations allow state standards to include a requirement that the household live in the state, but the length of residency in the state cannot be considered when determining eligibility.

STATE REQUIREMENTS

In Indiana, ISDH has set the income eligibility standard for participation in TEFAP at 185% of the federal poverty levels for households. The State of Indiana uses self-declaration of income. If client says their income is at or below 185% of the federal poverty level for their household, they are willing to sign the Eligibility Certificate, and have lived in Indiana for one day, they are eligible for food. No other eligibility requirements can be imposed on individuals seeking food assistance through TEFAP. However, ERA's, outlets and soup kitchens may establish geographic service areas for its clients. Outlets and soup kitchens need to follow their ERA's guidance when establishing geographic service areas. If a client comes to a food outlet from outside the service area, they must be served once within a 30 day period and the outlet must explain to them where the pantry is located in the service area of their home. After the initial contact, food pantries need only serve clients within their geographically defined service area. Turning away hungry people violates the basic intent of TEFAP. Every effort must be made to ensure that people in need of food receive food whether or not they reside within the designated geographic service area.

When establishing a return client in your database, food outlets need only determine four things:

- Name
- Address
- Household size
- Self-declaration of income and the client is willing to sign the income eligibility sheet.

(Many of our outlets participate in the Feeding America program and that program requests breakdown of household members by age. This is not a TEFAP requirement but food outlets participating in the Feeding America program may take this opportunity to collect the data during TEFAP self-declaration of income. If a client does not wish to share that information it should not prohibit them from receiving TEFAP commodities.)

If a pantry chooses to allow households to receive food more than once in a 30-day period, a client may choose to use a pantry more than once in that period. Eligibility must be recertified at each visit. By signing the income eligibility sheet, a client self-certifies that a need for the family exists and that household income falls within the income guidelines. Pantries may set up client files in either paper or electronic format that contains only these items: an income eligibility sheet that contains the client's name, address, and household size, Proxy sheet(s) and accompanying proxy notes. A pantry worker or volunteer can request a piece of mail or ID to verify residency. If the client refuses to establish residency or they are homeless they may use the address of the nearest homeless shelter or HHS (welfare) office. Otherwise a client may only be served once every 30 days.

Indiana respects client confidentiality and does not prefer the use of aggregate or multi-family income eligibility sheets. If a pantry allows a client to access the program more frequently than once every 30 days each household must have its own income eligibility sheet that can be signed multiple times by the family. Pantries can also use electronic, computer based spread sheets to determine visit frequency. All of the above methods gives the pantry worker or volunteers an opportunity to ask the client if he or she has had any changes in household size, address, or income. By asking the clients to self-declare income and sign the eligibility sheet this satisfies all eligibility requirements.

Clients cannot be required to disclose Social Security numbers for anyone in the household nor can driver licenses numbers be used for any purpose. Referrals are not required nor are Social Security numbers in order to obtain food. Recipients are only required to sign the eligibility certificate in order to receive food from any TEFAP outlet.

HOMELESS CLIENTS

Homeless people are presumed to be residents of the State and therefore are eligible to receive a meal in a Soup Kitchen.

Homeless clients can use the address of the nearest DFR (welfare) office for accessing food pantries.

INCOME REQUIREMENTS

Gross monthly household income must be at or below the standards listed on the Income Eligibility Certificate (new Income Guidelines are issued each year). All sources of income for each and every member of the household must be included. Gross household income includes all wages, pensions, Social Security, Supplemental Security Income, Railroad Retirement, 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.

PROXY STATEMENT

A Proxy Statement is used to allow a food outlet to serve homebound or working clients and persons with disabilities. (Exhibit A)

When a proxy is used, these rules must be followed:

- A proxy form or authorizing note must be signed by the client, designating the presenter as his/her (client) proxy.
- All information requested on the proxy form must be filled in.
- By signing the proxy, the client is declaring eligibility.
- The presenter must show some form of ID to prove they are the proxy designated to receive the food products for the client.
- The presenter must sign the signature sheet with the name of the recipient and the designee's name, followed by the word "proxy".
- A proxy form or note must be attached to the signature sheet the proxy signs; a note can only be used if the client has a signed proxy on file with the current income guideline.
- A proxy form or note must be used for each issuance of food.
- Proxy forms must be renewed if any household information changes, or annually, whichever occurs first.

*Always take into consideration that some clients may not be able to read or write. Be prepared to assist them by helping them to properly complete the form, explaining the criteria and allowing them to sign with an X, then verifying with the volunteer's signature or initials.

Section 3

ADMINISTRATION OF TEFAP

FEDERAL ADMINISTRATION

The Emergency Food Assistance Act of 1983 authorized The Emergency Food Assistance Program (TEFAP) for all the states. The Food and Nutrition Services (FNS) of the United States Department of Agriculture (USDA) has oversight of the program. There is no guarantee that TEFAP will always be re-authorized by Congress.

STATE ADMINISTRATION

As of July 1, 2009, the Indiana State Department of Health is responsible for TEFAP administration. Indiana contracts with private and/or not-for-profit warehouse(s) to provide warehousing and transportation of food products within the State of Indiana when direct shipping is not feasible.

LOCAL ADMINISTRATION

ISDH contracts with ERAs throughout the State to administer the local distribution and storage of food products. Every ERA subcontracts with food pantries, soup kitchens, and homeless shelters to distribute food products. Only soup kitchens, homeless shelters, or food pantries that have a 501(c) 3 Not for Profit status, operate a client choice pantry, and are open to the public may distribute food products. ERA's may choose to enter into agreements with local government entities such as township trustees. Local government entities are not required to possess 501(c) 3 Not for Profit status documentation.

ERAs are encouraged to educate their outlets that USDA food items donated to TEFAP are supplemental. ERAs are also encouraged to request that food outlets offer purchased or donated food as part of the choice pantry model. The Indiana State Department of Health understands there is an ebb and flow to the nature of donations. Please make every effort to ensure TEFAP donated food is not the sole source of food in food outlets and soup kitchens.

All outlets distributing USDA commodities must sign a Memorandum of Agreement with the ERA that serves their area prior to receiving USDA food products. Only food outlets with a Memorandum of Agreement (Exhibit B) may receive and distribute USDA food products. ERAs must have the MOA signed and all required documents on file before the outlet can take possession of USDA commodities for distribution. Either party may terminate the agreement by providing a thirty (30) day written notice. If this agreement is not renewed prior to the expiration of the current agreement, then all USDA food products must be immediately surrendered to the ERA. Additionally, in order to be valid,

the MOA must be in effect on October 1, the beginning of the federal fiscal year, and be renewed every two years.

ERA requirements:

- Complete an ISDH Request for Application to the State for review.
- Be a local governmental agency or a non-profit organization. (*Proof of non-profit status may be supplied by providing a copy of the 501(c)3 tax-exempt status designation letter from the Internal Revenue service, a determination later from the State of Indiana, or a current federal tax return as a tax-exempt entity.*)
- Submit a copy of a current Certificate of Existence from the Secretary of State.
- Provide a copy of an Agreement with a Storage Facility (if applicable).
- Have access to the Internet (and email) and Microsoft Office programs – Word and Excel - for receipt of information electronically from ISDH.
- Assure that all TEFAP policies, rules and regulations are applied and that the food outlets comply.

See the state map of the current Recipient Agencies and their service area provided at the end of this manual (Exhibit C).

TRAINING

General TEFAP training must be provided to all TEFAP outlets annually. See FNS instruction 113-1 section XI, and FD-133 (Exhibit D). Volunteers and staff are required to participate in Civil Rights training at the start of their tenure with the recipient agency or outlet; ongoing Civil Rights training is required annually. All civil rights statements are to be displayed on all forms and materials available to clients.

County Extension Offices should be notified to offer Health and Safety Procedures and any other services applicable for all food outlets. Local County Health Departments (Food Protection) should also be invited to the training for food outlets. Training offered every year is most beneficial to keep the food outlets current on policies and procedures. The County Extension Educators staff can use USDA food products and other pantry items to prepare different food dishes and use the recipes for training purposes. The ISDH TEFAP Staff will provide training and technical assistance to the ERA upon request.

FEDERAL ALLOCATION OF FOOD PRODUCTS TO STATES

USDA-FNS notifies ISDH of food product availability and quantity. ISDH food orders are submitted to USDA-FNS as product becomes available. Every effort is made by USDA-FNS to fill the order as requested. Due to unforeseen circumstances, USDA-FNS will occasionally eliminate or substitute products or change delivery times. ISDH orders product based on the entitlement allocation of dollars set by USDA-FNS.

Bonus product may be offered to each state based on the federal allocation. Bonus products ,vary and are typically not usual TEFAP foods. Bonus products are free to the state however ISDH incurs some of the storage and transportation cost for these products.

STATE ALLOCATION OF FOOD PRODUCTS TO ERAs

USDA –FNS utilizes a formula based on 60% of state poverty and 40% of state unemployment to allocate products and funding. Each state receives its fair share of food and funds according to that formula.

ISDH allocates product by using the same formula based per county to determine each county’s fair share. The counties in the ERA’s geographic service area are totaled to determine the allocation that each ERA receives. Adjustments may be made, if food product is available, based on the amount utilized in each ERA area and for disaster situations such as flooding and tornadoes.

In instances where a direct shipment is not possible, product is shipped to a state-contracted warehouse for distribution to ERAs. Each ERA makes delivery arrangements with the appropriate warehouse dispatcher for its local delivery.

ERAs must accept receipt of direct-shipped USDA food product within the shipping period. If receipt is not taken during this period of time, the ERA will be charged all storage costs including handling charges as set by the storage facility that has possession of such product. The state will not be responsible for these costs.

Section 4

MONITORING

GENERAL PROGRAM REQUIREMENTS

The purpose of the monitoring process is to evaluate program operations, review record keeping procedures, and assure health and safety standards are maintained. The monitoring visits provide an opportunity for all parties to ask questions, discuss concerns, and make suggestions about the program.

ISDH recommends that on-site monitoring reviews of food outlets be unannounced. However, the ERA may choose to schedule the monitoring review in order to see how operations are being handled on any given day. USDA and ISDH may visit any ERA and/or food outlet unannounced. ERAs should make outlet staff and volunteers aware of TEFAP policies and procedures and instruct outlets to provide access to records and facilities to ERA staff, ISDH staff and/or USDA monitoring staff.

Monitoring reviews may include the following areas: eligibility determinations, storage and warehousing practice, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, and civil rights.

MONITORING SCHEDULE

ISDH will monitor a minimum of twenty-five percent (25%) of ERAs each fiscal year starting October 1st with completion by September 30th of each fiscal year. Each ERA will be monitored no less than every four (4) years. *7 CFR 251.10(e)(2)(i)

ISDH will monitor a minimum of ten percent (10%) or 20, whichever is fewer, of all ERAs food outlets each fiscal year starting October 1st with completion by September 30th of each fiscal year. *7 CFR 251.10(e)(2)(ii)

If an ERA has twenty (20) or fewer outlets within its jurisdiction, the ERA is required to monitor all of them each year. If an ERA has more than twenty (20) outlets within its jurisdiction, the ERA must monitor fifty percent (50%) of the outlets each year so that all outlets are monitored at least every two (2) years.

ISDH and all ERAs will maintain documentation of reviews, outcomes, timelines, and resolutions.

ERA MONITORING

ISDH will review the following areas:

Tax-exempt status

Proof of insurance

Contract compliance

Required records

equipment maintenance

temperature logs

pest control

cleaning

distribution and delivery

inventory

Appropriate administration

Memoranda of Agreement

outreach documents (such as placing notices in local newspapers, posters, pamphlets, or help lines as well as 211)

required monitoring of food outlets

completed monitoring documentation

outlet files

current signed Memoranda of Agreement

current proof of insurance

food outlet compliance with the rules and regulations of TEFAP

annual food outlet training

site selection process and area assessment

distribution

Product accountability

Commodity loss

Storage and warehousing practices (including refrigerators and freezers)

Inventory controls

Expenditures for claims

OUTLET MONITORING

The monitor (ISDH or ERA) will review the following areas, including but not limited to:

Tax-exempt status
Proof of insurance
Memorandum of Agreement
required records
equipment maintenance
temperature logs
pest control
cleaning
training
Proxy forms (*with notes, if applicable*)
Eligibility certificates
appropriate administration
compliance with the rules and regulations of TEFAP
training (TEFAP and civil rights)
outreach documents
required postings
ADA compliance
eligibility determination
product accountability (all documents on site 3 years plus current year, including donation sheets, eligibility sheets, proxy forms, loss/damage documents, etc.)
commodity loss
storage and warehousing practices (including refrigerators and freezers)
inventory
discrimination complaints
prohibited activities
Client Choice

The Review

The monitor will –

Review all elements listed at the beginning of this section.

Document the review results in:

TEFAP Outlet Assessment Form
TEFAP Outlet Assessment Form Attachments
Inventory Worksheet
Temperature Record
Eligibility Accountability

Immediately address any major findings (*examples: freezer/refrigerator out of service; outlet unsafe for clients; unable to locate food product*).

The outlet will –

Supply requested documents during the review.

Answer questions posed by the monitor during the review.

Findings and Corrective Action (ISDH as Monitor)

If there were findings, the monitor will –

Document the findings and corrective action. For convenience, ISDH created the “*ISDH Monitoring Review Indicator Sheet*”, which may be used to communicate findings to the ERA. Other forms of documentation may be used as long as it includes a clear outline of findings, corrective action and follow-up timelines.

Deliver the findings document to the appropriate ERA within ten (10) business days of completion of the monitoring review.

The ERA will -

Upon completion, the ERA will file the updated *ISDH Monitoring Review Indicator Sheet* or other form of documentation along with the monitoring forms for each outlet.

Follow-up with the outlet within thirty (30) days, and document the completion of the corrective action(s).

Findings and Corrective Action (ERA as Monitor)

If there were findings, the monitor will –

Document the findings, recommendations, or required corrective action. For convenience ISDH has created the “*ISDH Monitoring Review Indicator Sheet*”, which may be used to communicate findings to the outlet. Other forms of documentation may be used as long as it includes a clear outline of findings, corrective action and follow-up timelines.

Deliver the findings document to the appropriate outlet within ten (10) business days of completion of the monitoring review.

The ERA will -

Coordinate and ensure completion of corrective action activities at the outlet.

Follow-up with the outlet within thirty (30) days, and document the completion of the corrective action.

Closeout (ISDH as Monitor)

If there were no findings during the monitoring review, then ISDH will provide a written close-out statement to the ERA within thirty (30) days of the completion of the monitoring review. Recommendation will be indicated.

If there were findings during the monitoring review, then ISDH will provide a written close-out statement to the ERA within ten (10) business days of receiving written confirmation that the ERA has satisfactorily completed all corrective actions.

Closeout (ERA as Monitor)

If there were no findings during the monitoring review, then ISDH will provide a written close-out statement to the ERA within thirty (30) days of the completion of the monitoring review. Recommendation will be indicated.

If there were findings during the monitoring review, then ISDH will provide a written close-out statement to the ERA within ten (10) business days of receiving written confirmation that the ERA has satisfactorily completed all corrective actions.

ERA ANNUAL SELF-REVIEW

7 CFR 250.14(c) requires that all distributing agencies and sub distributing agencies conduct annual reviews of their storage facilities, document their compliance with this section, perform and document corrective actions in cases of noncompliance, and provide proof of compliance with this section to ISDH.

The Review

The reviewer will –

Perform and document a physical inventory of the storage facility.

Compare the physical inventory to the book inventory.

Retain the records for three years plus the current fiscal year.

Section 5

ERA RESPONSIBILITIES

ERAs that have contracts with ISDH vary in size and scope of operation, but they are all required to meet certain obligations.

SELECTION OF FOOD OUTLETS

ERAs must develop a system for not-for-profit organizations to apply for participation as a food outlet. ERA is required to physically inspect and visit potential food outlets.

ERAs must consider the following criteria for food outlets to receive USDA food products:

the food outlet has been established and in operation for a minimum of two years
(exceptions are reviewed by ISDH on a case-by-case basis)

the food outlet has 501(c)3 status. *(The requirement may be satisfied by one of the following: current federal tax return as a tax-exempt entity, determination letter from the Internal Revenue Service, or determination letter from the State of Indiana.)*

operate a client choice pantry

the physical site meets ADA requirements which includes ground level access

the need is established in the area where the site will be located (not in the proximity of other food outlets operating in the same area)

ability and willingness to serve all eligible persons in need of food assistance that reside in their established area

ability to store and distribute donated food properly

ability to store food in a locked area when food outlet is closed

availability of both refrigeration and freezer capacities

ability to maintain the required records and submit records on a timely basis

ability to take temperature reading of dry, refrigerated and frozen areas a minimum of once per week (more frequently is recommended) and maintain temperature logs

assurance that USDA food products are included with like items, not kept separate

ability to serve clients a minimum of every thirty days (every week is ideal)

agreement to post on the outside of the building the days and hours the food outlet is open for clients

have a minimum of 2 hours established operational hours per month based on number of households served

ability and willingness to participate in general TEFAP training

ability and willingness to participate in civil rights training

be a public facility, never a private dwelling, open to the public without appointment.

assurance that under no circumstance any type of mass distribution or prepackaging of USDA commodities will occur

assurance that there will be no repackaging USDA/Non-USDA food products without express written consent from Federal, State and local agencies

ability and willingness never to turn away a client on first visit to food outlet regardless of where the client resides
willingness to serve client(s) in an emergent situation (weekly is ideal)
agreement that no money will ever be exchanged for the receipt of USDA and/or non USDA products or the appearance of an exchange
soup kitchens must have a current Food Handlers Certification on staff
Rural Initiative can be implemented with prior approval from the ISDH

FOOD OUTLETS AGREEMENTS

ISDH will issue the Memorandum of Agreement (MOA) to be used between the ERA and each food outlet. Both the ERA and the food outlet must sign the MOA before any food outlet can receive USDA food products. Shelters and Kids Café's must each sign the same MOA and are considered soup kitchens for agreement and program purposes. MOA must be renewed at a minimum of every two years. By signing this MOA the food outlet is agreeing to meet the criteria of TEFAP or will surrender any and all USDA food products immediately upon request. Either party (including ISDH) may terminate the MOA upon a **thirty-day (30) written notice for any other reason but will again surrender any and all USDA food products immediately**. Each food outlet must maintain a copy of the MOA at the site.
USDA food products can **never** be given to an entity that does not have a current signed MOA between the ERA and the entity.

SCHEDULE OF OPERATING HOURS FOR FOOD OUTLETS

ERA must maintain a current list of the number of meals or households served and the days and hours of operation for each food outlet. Food outlets must have a minimum of 2 hours established operational hours per month based on number of households served. The food outlets may need to increase hours due to increases in numbers served. Evening hours and/or Saturday hours are strongly encouraged.

PUBLIC OUTREACH

The ERA must publicize within its service area the regularly scheduled days and times of operation of its food outlets. The posting of a sign at the physical location of the food outlet, which identifies it as a food pantry or soup kitchen, is essential. The distribution of posters, pamphlets, and newsletters throughout the designated geographic service area is a recommended form of public outreach. Placing notices in local newspapers and free local papers to make potential recipients aware of the availability of food products is another acceptable method of public outreach. Public Service Announcements can be provided to local radio and television stations. **Word of mouth may not be used as the sole or primary method of conducting public outreach.**

POSTING GUIDELINES

ERAs must ensure that Food Pantries display the following posters or signs:

Income Eligibility Guidelines – The eligibility certificate lists the maximum allowable monthly income varying household sizes may receive and still be eligible to receive food products. (Exhibit E) ***(not required for soup kitchens)***

“And Justice for All” – The poster instructs the recipient on the procedures to take in case of discrimination.

Household Sizes – The poster shall specify household size issuance rate for product available for days of distribution. ***(not required for soup kitchens)***

Hours of Operation – Hours of operation must be clearly posted on the outside of the building.

CLIENTS WITH LIMITED ENGLISH PROFICIENCY (LEP)

TEFAP staff is required to read the “And Justice for All” poster and complaint notice for all those who are unable to read. It is a fact that 1 out of 3 employed Hoosiers had literacy skills below the minimum standard as defined by national experts.

“And Justice for All” must be translated for all non-English speaking participants. An additional tool that can be used for non-English-speaking or LEP clients is the “I speak” statements document from USDA (Exhibit F).

Agencies that fail to provide services to LEP potentially eligible applicants/participants or deny them access to federally assisted programs and activities may be discriminating on the basis of national origin in violation of Title VI and its regulations.

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202) 720-2600 (voice and TTY).

In Indiana, for relay (hearing impaired) services call 711 or 1-800-743-3333

<http://www.relayindiana.com/>

TRAINING AND TECHNICAL ASSISTANCE

ERAs must provide training and technical assistance to food outlet staff. This training must include, but is not limited to, the following areas:

- posting of required posters
- specific requirements of the Memorandum of Agreement and its provisions
- procedure for receiving USDA food products
- why issue rates are posted
- correct storage procedures
- procedures for handling donated food
- procedures for maintaining sanitary conditions
- reports and record keeping
- non-discrimination and political activity prohibition
- current eligibility guidelines
- understanding self-declaration of income
- client choice of product
- importance of refrigerators, freezers and temperature log readings
- public outreach for the days and hours for dispensing food or meals
- dispensing of food at a minimum of every thirty days
- treating clients with respect, so their dignity remains intact
- civil right issues
- contacting the TEFAP Specialist for assistance with training

SHIPMENT OF PRODUCT FROM USDA TO ERA

USDA-FNS allows three drops per truck with a minimum of 20% product drop at each stop. ERAs must receive a minimum of 20% of a truck shipment to receive a direct delivery.

The shipper is strongly encouraged to make an appointment twenty-four hours in advance of the delivery. An agency cannot refuse delivery due to time and date but can renegotiate a delivery time and date that works for both parties.

DAMAGED AND/OR OUT OF CONDITION PRODUCT

Out of condition products are those food products which appear to have come from the packer contaminated, deteriorated, spoiled, infested or having latent defects. All food products must be inspected upon receipt. Bulging cans or cans with sharp dents and rust on the seams are examples of out of condition products. **SHOULD FOREIGN MATTER SUCH AS GLASS OR METAL BE FOUND IN A PRODUCT, THE SITUATION SHOULD BE TREATED AS AN EMERGENCY. ISDH TEFAP STAFF SHOULD BE CALLED IMMEDIATELY FOR PROCEDURES.**

All out-of-condition losses must be reported to ISDH TEFAP Staff immediately.
The information that is required:

Recipient Agency Name
Recipient Agency Address
State Product Received
Contact Person
Title
Phone
Date of Complaint Filed
Commodity Name
Description of Problem / Complaint
Reason for Complaint
Contract Number, Delivery Order, N/D Number
Lot #, Box #, Can Codes #, Pack Date, Ship Date
Date Product Received, Amount Received, Amount on Hold
Vendor (if known)
Is Product Under Warranty – Yes/No

This information will be completed in WBSCM by ISDH staff. As much information as possible concerning the product should be gathered. Do not dispose of any out of condition food products until advised to do so by ISDH. In some instances, USDA will require samples of the out-of-condition product. When conditions present a health hazard to food stored nearby, (exploding cans, infestation of grain products, etc,) the out-of-condition product must be isolated. Include photos when possible.

For additional information about warehousing food, contact your county or local health department.

ISDH Staff will notify the ERAs within 24 hours via e-mail, after receiving a FOOD SAFETY ALERT. You must respond by e-mail to this office that the notification was relayed to your individual food outlets

DISTRIBUTION OF PRODUCT

It is at the discretion of the ERA to determine how distribution will take place within its service area. An ERA may maintain a warehouse where the food products are held until the food outlets can pick-up their allocated product. ERAs may also choose to deliver the food products from their warehouse to individual food outlets, or to a central location in each county in their service area or a combination of methods. The ERA must keep in mind that a decrease in delivery service may be detrimental to some food outlets.

PROVIDE ACCESS TO ISDH AND AUTHORIZED AGENTS

USDA requires monitoring of the ERAs and food outlets receiving USDA food products. Any ERA or food outlet participating in the TEFAP must allow access to program records and operations by ISDH staff, USDA staff or any other authorized governmental agents.

MAINTAIN AND SUBMIT RECORDS TO ISDH

All records are to be maintained for a period of three (3) years plus the current year. This includes client eligibility certification sheets. All records are subject to review and audit by ISDH and USDA during normal business hours (or upon request, sent to ISDH and/or USDA). The ERA must submit distribution workbooks to ISDH no later than thirty (30) days after distribution of a product.

Bill of Lading (Exhibit H) including the following information must be submitted within 48 hours of receipt of delivery.

date

printed name of receiver

receiver's signature

confirmation of quantity received

seal condition

any shortages, overages, damages

temperature upon arrival (frozen and refrigerated loads)

Direct shipments: **All bill of lading and forwarding notices must be submitted to ISDH within forty eight (48) hours of receipt of product. Do not wait for additional deliveries.**

Food deliveries and/or grant reimbursement may be withheld if the required reports are not submitted within the specified time frame.

MAINTAIN INSURANCE COVERAGE

Insurance should be involved when a loss occurs due to fire, theft, damage or another cause. Liability is assigned to the ERA that has a contract with ISDH. If the ERA provides for liability, the amount of coverage must be at least equal to the value of the amount of food products on hand. The number of cases on hand is usually taken at the end of the month. The cost of this required insurance is an allowable expense. A current Certificate of Insurance must be on file at the ERA for each food outlet. This is stated in the Memorandum of Agreement (Exhibit B) that is signed by both the ERA and the food outlet. Insurance coverage may be used to cover a commodity loss or, if the ERA/outlet chooses, an alternative funding source may be used. No TEFAP funds may be used to cover a commodity loss.

Section 6

STORAGE AND HANDLING

(Exhibit I)

USDA FOOD PRODUCT LIABILITY

When physical delivery of USDA food product is taken, the ERA assumes responsibility for the safekeeping of product. The ERA also assumes liability for the value of the food products should a loss occur due to negligence in storage, theft, and/or handling. Although food products are provided without cost by USDA, there is a value assigned to each product that includes USDA's cost of purchasing, processing and distribution of the food products to states. For current food product values and other product information, refer to WBSCM.

In order to guarantee its quality and safety, each ERA and its food outlets are responsible for the proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper storage conditions and practices. **Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods.** This action not only ensures the quality of products being distributed but also protects the ERA from claims action by the State of Indiana or USDA to recover the value of the spoiled or lost product.

ERAs and food outlets will not be held liable for product quality except in cases of negligence on their part. ERAs and food outlets will be held liable if they knowingly distribute food products that are spoiled, especially if the spoilage occurred because of negligence on their part.

GENERAL PRINCIPLES OF FOOD STORAGE

The food outlet will assure that all food products are held in a secure, adequate, and proper storage facility prior to distribution, in accordance with 7 CFR 250.14(b). Storage is to be rodent and insect free.

ERAs and outlets shall provide facilities for the handling, storage and distribution of donated foods in a manner to protect them from spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the foods.

Food storage areas should provide protection from weather, fire, theft and pests. Aisles between pallets should be wide enough to provide easy access for inspection, inventory and pulling of product. All USDA food products are to be stored at the ERA or at a storage facility contracted by the ERA. ERAs and their food outlets must follow standard warehouse and storage practices (Exhibit I). Those practices include, but are not limited to:

keeping food 6" off floor, stored on pallets, platforms or shelves
keeping food 4 inches away from walls; this will allow good air circulation and for pest control
food not remaining in storage for a period longer than six (6) months unless authorized by ISDH Program Staff
keeping non-food items separate from food
toxic items (soap, bleach, cleaning supplies, etc.) must be kept completely away from food items
keeping floors, pallets and shelving clean
keeping doors, windows, and roofs well sealed to prevent pest entry and water damage
maintaining proper temperatures
maintaining good pest control
having a staff person in charge of pest control that maintains a service log or having a contract with a licensed firm to handle pest control management
maintaining equipment; regularly checking for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc
keeping thermometers in freezers, refrigeration units and dry storage areas
maintaining temperature logs

STORING DRY FOOD PRODUCTS

Dry food products must be stored:

away from direct sunlight
a minimum of 6 inches off the floor for circulation
at least 4 inches away from walls for circulation
at least 2 feet from the ceiling to avoid high temperatures
in a clean, secure area that is inspected regularly
A thermometer is required and must be in all dry storage areas.

STORING REFRIGERATED AND FROZEN FOOD PRODUCTS

Food products requiring refrigeration must be stored:

to allow for proper air circulation
in a refrigeration unit that is clean and inspected on a regular basis
a thermometer is required in all refrigeration areas.

Frozen food products must be stored:

to allow for proper air circulation
in a freezer unit that is clean and inspected on a regular basis
A thermometer is required in all freezers.

FOOD BANK STORAGE GUIDELINES FOR STACKING FOOD PRODUCTS

The basic rules for stacking food products include:

stretch wrapping to provide added stability

limiting the height of the stack so cases of food on the bottom layers will not be crushed

cross-stacking cases on pallets to ensure the stack will be sturdy and solid and will not tip when being moved

stacking cases away from potential damage by heat, steam or water

MAINTENANCE OF STORAGE AREA

An ongoing system of pest control is required. Rodent controls such as traps and glue board are recommended. Place traps along walls and near doorways, moving the traps monthly.

Poisons must not be used except by a licensed professional. Prevent rodent infestation by thorough cleaning and maintenance of the warehouse.

Ensure there is a cleaning schedule established listing the necessary frequency of cleaning for each location. Floors, including under pallets, should be swept and cleaned at least monthly. Floors in high traffic areas require regular cleaning. Area soiled by spillage or breakage must be cleaned immediately. Broken pallets should be discarded and dirty pallets cleaned.

Empty pallets should be stored apart from food products.

Maintenance of the exterior of the warehouse must not be overlooked. The building and grounds should be inspected regularly for signs of fire hazard, pest infestation, security problems and needed repairs. Garbage, waste or rubbish must be disposed of frequently and not allowed to become nesting areas for pests.

ROTATION OF STOCK

To help ensure the quality and freshness of USDA food products, the practice of First In/ First Out (FIFO) must be followed. Food must be stored so cases with the oldest pack dates are used first. Most USDA food products have the pack date on the cases. Pack dates or lot numbers are also printed, stamped or embossed on individual cans or containers. In instances where pack dates are not visible. It is the responsibility of warehouse staff to ensure rotation of stock occurs. Simply marking cases with a delivery date will work. ISDH staff will routinely assess inventory levels to ensure that supplies are reasonable and appropriate for distribution activities.

RE-PACKAGING PROHIBITED

Food outlets participating in TEFAP must follow all Federal, State and local guidelines when permission is given to repackage USDA or non-USDA foods.

There will be **NO** repackaging of any **USDA food products** on or off premises without **written approval** from USDA.

Section 7

FOOD OUTLETS

THE PHYSICAL DISTRIBUTION SITE

The distribution site is the location where donated food is actually distributed to eligible persons. Distribution sites for the TEFAP food products are food pantries, soup kitchens, domestic violence, or homeless shelters. No private residential facilities or correctional facilities can be used as food outlets for distribution of products.

ACCEPTING AND UNLOADING TRUCKS

Distribution sites in Indiana may receive their food products by various methods. Each ERA determines the method of delivery. The following are different and acceptable examples:

Food outlet picks up the food products at the ERA with a truck and personnel furnished by the ERA or with the food outlet personnel.

ERA personnel delivers product to the individual food outlet in trucks furnished by the ERA.

ERA makes a delivery for one or more food outlets at a designated place and time to receive food products.

ERA makes a delivery to each county in their service area; this may or may not include the county in which the ERA resides.

ERAs must account for federal food products released to each site. The ERA must keep the form (Exhibit J) which records the signature of the site representative receiving the site allocation. The ERA can generate this form if they follow the general design of a Food Outlet Receipt, however it must show these items: The site name and address, dates, quantities and signature that ISDH can verify during monitoring. ERAs are responsible for the proper maintenance of records.

Food outlets (including migrant pantries) may use volunteers and/or paid staff to unload trucks. Food outlets may have income-eligible recipients who are willing to volunteer to help unload. However, unloading the truck may not be made a requirement to receive the food products, nor can it be used as an in-kind agreement for volunteers to receive more TEFAP products than they would normally receive. Arrangements may be made with the county agencies, Township Trustees, or Police Departments for volunteers doing Community Service. Various service organizations may be willing help unload trucks, help prepare meals, and other types of services.

ERA personnel are accountable for ensuring that product totals are accurate. Unloading should be supervised. Damaged, short or overage in product must be noted and reported immediately.

STORAGE REQUIREMENTS

All food outlets must provide proper storage facilities for the food products received from an ERA. All food outlets must comply with the same storage and handling regulation that apply to ERAs. Those regulations include any directives from USDA, ISDH and the local public health department within the jurisdiction where the food outlet is located. ERAs and the food outlet will be held financially liable for lost product resulting from damage, theft or spoilage caused by improper storage and handling. The contract signed with the food outlet does not relieve the ERA of its contractual obligations to ISDH. The ERA remains responsible for assuring that the food outlets under contract provide proper handling, care and storage of USDA food products and other donated food.

Food outlets are obligated to conduct their operations in a responsible manner to keep losses at a minimum. Most food outlets in Indiana are staffed completely by volunteers. The lead volunteer must train other volunteers to carefully follow approved storage and handling procedures. Distribution sites should use the First In/First Out (FIFO) inventory control system.

No USDA food product can be in a food outlet for more than six (6) months. Contact the ERA for transferring product if it is not going to be used or request permission to retain product at the recipient agency or outlet.

REPORTING LOSSES

The ISDH requires that ERA explain all losses, including those experienced by their food outlets. ERA must balance on a monthly basis the amount of food products they received and the amount distributed.

Objective

Timely, correct and comprehensive resolution of any USDA commodity loss in compliance with USDA requirements.

Parties

ISDH Food Program	SA
Eligible Recipient Agency	ERA
Outlet	OL

Definitions

Claim - A demand, or basis for a demand, that restitution be made for the loss of donated foods, or for the loss or improper use of funds relating to donated foods, by the party responsible for such loss.

Claim action - Any action taken to initiate, pursue, or resolve a claim, or to collect and dispose of funds in a claim.

Claim adjustment – A revision of the original amount of the claim indicated in the notification and demand for payment, as a result of further information received.

Claim determination – A determination that a loss of donated foods, or a loss or improper use of funds, has occurred, the value of that loss, the party responsible for the loss (if any), and any other pertinent information.

In-kind replacement – The replacement of a loss of donated food with the same type of food of U.S. origin, of equal or better quality in all USDA procurement specifications as the donated food, and at least equal in value to the lost donated food.

Similar replacement – The replacement of a loss of donated food with another type of food group (i.e., dairy, grain, meat/meat alternate, vegetable, fruit, etc.) that is of U.S. origin, of equal or better quality in all USDA procurement specifications for that type of food, and at least equal in value to the lost donated food.

Origination

At the location of the commodity loss (either SA, ERA, or OL), the SA, ERA or OL will – Completely document the loss on the “TEFAP/CSFP Commodity Loss Report” and Forward the properly completed document to the SA.

Investigation

Upon receipt of the properly completed “TEFAP/CSFP Commodity Loss Report”, SA will – Immediately investigate the loss to establish:

The types and quantities of donated foods lost.

The value of the donated foods lost, or the amount of funds improperly used or lost.

The date and location of the loss to the extent they can be determined.

The cause, including if theft, embezzlement, or fraud was involved.

The party responsible for the loss, if any.

Determine the value of the loss, using the USDA purchase price of the food at the time the loss occurred.

If the value of the loss is more than \$500 or the loss is caused by negligence, theft, fraud, embezzlement, willful misapplication, or a failure to comply with the provisions of an agreement or contract,

Immediately report the loss to FNSRO.

Determine whether or not a claim action must be pursued. ***(FNS Instruction 410-1, VI.A requires that claim determination must be completed within thirty (30) days from the date of discovery of the loss, or from the date that information was first received indicating that the loss had occurred, whichever is later.)***

If a claim action is not necessary, because the value of the loss does not exceed \$500 OR because the loss did not result from theft, embezzlement, willful misapplication, or fraud, OR because there is no responsible party (as in the case of hurricane, flood, or general power outage),

Document the determination,

File it electronically.

Notify the ERA and/or OL of the determination, in writing.

If a claim action is necessary because value of the loss exceeds \$500 OR the loss resulted from theft, embezzlement, willful misapplication, or fraud, AND there is not statutory nor regulatory requirement that disallows a claim action,

Document the determination by checking the appropriate box on the *“TEFAP/CSFP Commodity Loss Report”*.

Initiate the claim action,

Immediately inform FNSRO of the action.

Notify the ERA and/or OL, in writing.

Claim Action (if required)

While 410-1 may be read to require that funds be collected by the SA and then either used by the SA or disseminated to the appropriate recipient agency or another entity, to purchase replacement food, the process involved is far less feasible than requiring the entity responsible for the loss to procure replacement food, supply proof of same, apply any required corrective action, and report in full on those efforts. Therefore, the SA will require the responsible entity, either ERA or outlet, to replace commodity losses when claim actions are required.

After completing the claim determination, the SA will–

Provide written notification and demand for payment to the party responsible for the loss, including the following information:

A description of the loss, including the types and quantities of the donated foods lost and the value of the loss.

The date, location, and cause of the loss, if determined.

Evidence and documentation relating to the loss, including a certificate of inspection by health officials, as applicable.

Evidence of theft, embezzlement, willful misapplication, or fraud, as applicable.

A formal demand that the responsible party either (at the SAs discretion):

Make a payment to the SA for the full value of the loss of donated foods, or improper use or loss of funds, by a date not to exceed 30 days from the date of the notification and demand for payment; OR

Purchase replacement foods.

Make a claim adjustment, based on additional evidence provided by the responsible party, or obtained from another source, subsequent to the notification and demand for payment, if it is deemed appropriate.

If a claim adjustment is made, the SA must notify the responsible party of the adjustment, including any information that formed the basis for the action, and the amount for which the responsible party remains liable. A claim adjustment does not entitle the responsible party to any reimbursement for previous payments made on the claim.

If payment, or a request for adjustment or other appeal of claim actions, or (if the SA has directed) purchase of replacement foods has not been made after 30 days, send a second notification and demand for payment to the responsible party. The demand

must require resolution by a date not to exceed 60 days from the date of the original notification and demand for payment.

Submit claim actions to FNSRO in the following cases:

The SA receives an appeal of claim actions from the responsible party; or

The FNSRO directs the SA to submit such claim actions for review.

Suggest or require corrective actions, either general or specific, as deemed necessary.

Follow up on corrective action requests.

Document the closeout of any corrective action.

The responsible party (SA/ERA/OL) will -

Purchase replacement food in-kind OR pay a claim (if the SA has determined that the purchase of replacement food is not feasible) no later than 60 days from the date of the SA's notification and demand for payment document. If in-kind replacement is not feasible then the replacement must be similar. (See definitions in this section.)

Furnish to the SA copies of receipts for replacement food along with documentation of the source of the funds used to purchase the replacement food.

Effect corrective action as directed by the SA.

Document the corrective action.

Electronically submit the documentation to the SA.

NOTE: At the time of an on-site review, if ERA or OL has had a loss in the past 12 months that resulted in corrective action, the review will include a review of all records related to loss.

(Exhibit K)

ALLOCATION OR ISSUANCE RATE

The following chart provides **examples** of the number of foods that may be given to a household to provide food for meals for a 2-3 day period.

(Note that USDA-FNS does not count breakfast in its food guide, so the number of meals per day for the examples provided above would need to be increased accordingly if the pantry is providing food for 3 meals a day.) Pantries have the option of the number of products a household **could** receive. Examples:

Household of 1-3 could receive up to 15 items.

Household of 4 or more can receive up to 25 items.

Household may receive extra, free, or bonus items that do not count in the number their household size could receive. Examples are breads, non-popular items such as figs, plums, or an over abundance of an item.

The pantry has the flexibility to change the issuance rates for household sizes based on the amount of product available (food products and non-USDA items).

USDA-FNS product must be mixed in with like product and never dispensed separately. USDA-FNS product is a supplement to the other pantry items and is not intended to be the sole source of distributed food.

Section 8

FOOD PANTRIES

OPERATIONS

Food pantries in Indiana operate in a variety of ways. Their hours vary widely, depending upon the level of need in the area, where they are located and the resources available to the organization operating the pantry. Food pantries must be a public or private organization, governmental agency or a not-for-profit organization with a 501(c)3 tax-exempt status or church affiliation and must not be a penal institution. The physical facility must be safe and appropriate for storing and distributing donated food. The pantry must meet ADA standards.

Larger pantries should be open several hours a day, Sunday through Saturday or any combination of days and hours (evening and Saturdays/Sunday hours help serve clients whose job prevents them from being served during the week). Small pantries, operating on limited budgets, may operate only one afternoon or one evening a week but must be open a minimum of 2 hours per month. The facility must, however, keep regular hours to be considered a pantry unless specifically approved by ISDH for an exemption under the rural initiative. If a food outlet has problems maintaining volunteers, it might help by changing the operating hours to evening and/or weekends.

A pantry must be open to the general community of its designated geographic service area, without appointment. The population served by a food pantry may not be restricted by factors other than income eligibility and geographic service area. Pantries may not restrict an eligible client access to food for more than 30 days from the last date the client received food. The pantry must offer clients a choice of products. If a pantry does not have hours convenient to clients who are working or homebound they should have recipient use the Proxy Statement (Exhibit A).

FAITH BASED FOOD PANTRY & ACTIVITIES UNRELATED TO DISTRIBUTION OF TEFAP COMMODITIES

As stated in 7 CFR 251.10(f), (1) Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites as long as:

The person conducting the activity must make it clear that the activity is not part of The Emergency Food Assistance Program (TEFAP) and is not endorsed by USDA;

The person conducting the activity must make it clear that the receipt of TEFAP food, either for home consumption or as part of a prepared meal, is not conditional on participation in such activities; and

The activity is not conducted in a manner that disrupts the distribution of TEFAP commodities or meal service.

(2) Eligible recipient agencies and distribution sites shall ensure that activities unrelated to the distribution of TEFAP foods or meal service are conducted in a manner consistent with paragraph (f)(1) of this section.

Additionally, 7 CFR Part 16.3(b) shapes our policy and states:

Organizations that receive direct USDA assistance under any USDA program may not engage in inherently religious activities, such as worship, religious instruction, or proselytizing, 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.

COMMODITIES ARE SUPPLEMENTAL

Whatever its size, the food pantry should have the resources to provide clients with food items other than TEFAP donated commodities. USDA food products should be used as a supplement and are not considered to be the singular food supply for the pantry. Other sources may include food received from Food Banks, privately donated food, food drives or food purchased with monetary donations. All food products should be included with like items. All USDA food products are to be distributed within six (6) months of receipt. If the product cannot be distributed please notify the ERA immediately.

ELIGIBILITY DOCUMENTATION

Federal regulations require that the State accept self-declaration as a means of documenting eligibility. No other documentation is needed to meet TEFAP requirements. Needy persons receiving USDA food products from a food pantry must sign the Income Eligibility sheet to attest that they meet the income eligibility guidelines. Income eligibility for TEFAP is 185% of the annual federal poverty guidelines based on household size. The only other allowable factor of eligibility is residency in the State of Indiana (client must live in Indiana at least one day). Signing the signature sheet places eligibility on the recipient and relieves volunteers of both legal and programmatic liability.

Indiana respects client confidentiality and prefers the use of non-aggregate income eligibility sheets. Pantries can use an aggregate (group) income eligibility sheet, but efforts should be made to protect client identity. If a pantry allows a client to access the program more frequently than once every 30 days, then each household should have its own income eligibility sheet that can be signed multiple times by the family. Pantries can also use electronic, computer based spread sheets to determine visit frequency. All of the above methods give pantry workers or volunteers' opportunity to ask the client if

he or she has had any changes in household size, address, or income. By asking clients to self-declare income and sign the eligibility sheet, this satisfies all eligibility requirements.

Those pantries that serve migrant workers must be open during hours that support the migrant work schedule. The Eligibility Certificate can be furnished to pantries in Spanish. Ask each Migrant family if they have refrigeration or freezer capacity before giving them product that requires this type of storage.

OUTREACH

Food outlets should post their schedule of operation on the outside of the building. Outreach information can be, but is not limited to posters or pamphlets located in laundromats, churches, and grocery stores in the geographic service area of the food outlet.

Section 9

SOUP KITCHENS

OPERATIONS

Soup kitchens serve nutritious meals, without charge, to homeless, transient, and other needy persons. The meals must be served on a regular basis in a clean, secure environment as a regular part of services. A soup kitchen must be a public or private organization, governmental agency or a not-for-profit organization with a 501(c)3 tax-exempt status or church affiliation and must not be a penal institution. The kitchen must have a person who has a current Food Handlers Certification. The physical facility must be safe and appropriate for storing and distributing donated food. The soup kitchen must meet ADA standards. Soup kitchens that are not homeless and/or domestic violence shelters must conduct public outreach and serve all needy persons. Services may not be restricted to special populations such as the elderly, children or members. Residential treatment facilities and Senior Centers that serve congregate meals do not qualify for TEFAP.

FAITH BASED SOUP KITCHEN

As stated in 7 CFR 251.10(f), (1) Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites as long as:

The person conducting the activity must make it clear that the activity is not part of The Emergency Food Assistance Program (TEFAP) and is not endorsed by USDA.

The person conducting the activity must make it clear that the receipt of TEFAP food, either for home consumption or as part of a prepared meal, is not conditional on participation in such activities.

The activity is not conducted in a manner that disrupts the distribution of TEFAP commodities or meal service.

(2) Eligible recipient agencies and distribution sites shall ensure that activities unrelated to the distribution of TEFAP foods or meal service are conducted in a manner consistent with paragraph (f)(1) of this section.

Additionally, 7 CFR Part 16.3(b) shapes our policy and states:

Organizations that receive direct USDA assistance under any USDA program may not engage in inherently religious activities, such as worship, religious instruction, or proselytizing, 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.

COMMODITIES ARE SUPPLEMENTAL

Whatever its size, the soup kitchen must have the resources to provide clients with prepared meals with food other than government food products. USDA food products must be used as a supplement to these other foods. Other food may be received from Food Banks, privately donated, collected through food drives or purchased with monetary donations.

ELIGIBILITY

It is assumed anyone eating at a soup kitchen is income eligible and no certification or documentation of eligibility is required. The “And Justice for All” poster must be in plain view of all participants. Serving hours and days must be posted on the outside of building so that participants are aware of serving times.

STORAGE AND RECORDS

Soup kitchens must abide by the storage standards set by USDA, ISDH and the local health department. Soup kitchens are not required to collect signatures or household sizes from clients. Only the actual number of meals served by the soup kitchen are required to be reported to the ERA at least every thirty (30) days and no later than the 10th day of each month.

FOOD HANDLING AND MEAL PREPARATION

Special food handling requirements for soup kitchens include but are not limited to:
Use of non-porous countertops, preferably stainless steel
Disinfecting all countertops and utensils (a cold water bleach solution may be used)
Use of new or properly sanitized reusable food storage containers; plastic bags may not be reused
All food handlers must wash hands, wear disposable plastic gloves and cover their hair with hair nets
No smoking is allowed in food preparation area or the eating area
Shirt pockets must be emptied and jewelry removed that could fall into the food, must not be worn nor decorative hats
Area must be free of any type of insect or other foreign matter that could contaminate the food
Current inspection from local or State Department of Health (if applicable) must be posted.

The ERA should contact local public health officials for more information on proper food handling, preparation procedures and standards for soup kitchens.

Section 10

CLIENT CHOICE

WHAT IS CLIENT CHOICE?

No matter what the income level, people need to be able to select their own foods and have control over what they eat. This practice is referred to as Client Choice. In Indiana, all pantries that participate in TEFAP are required to be "Client Choice".

The choice pantry allows families the dignity of choosing their own food. Client choice also helps make the most of USDA foods. Families may choose the foods that they need instead of being given items that they may already have, or be unable to consume because of dietary restriction.

THE TOTAL NUMBER OF ITEMS METHOD

This is a very easy method for pantries to use when they are first switching over to choice. Each family is given a total number of items to choose. There are no constraints except for the available amount of food. For instance, shelf tags may read "No more than 3 meat items per family" in order to keep enough stock available for the average number of families served by the pantry.

Here are some average item numbers offered by pantries using the total number of items method:

35 items to small family

50 items to a medium family

75 items to a large family

This method is uncomplicated for volunteers because they only have to count the total number of items for the client to bag. Although clients have complete freedom to choose the foods they want, this setting is ideal for volunteers to provide nutrition education through gentle suggestions of food selection.

Often foods are not chosen because they are not familiar to the client, or they do not know how to prepare them in a way their family will like. Samples of prepared foods for tasting along with the recipes are great ways to get people to try new foods. Most people really enjoy discussing recipes and food preparation. New volunteers may find this is a great icebreaker or a way to get to know clients better. Some clients may bring in family favorite recipes to copy and share at the pantry. Those recipes can showcase both the volunteer and the product by using samples or taste testing or naming the recipe after the volunteer, i.e., "Jenny's green beans".

Other sources for nutrition education include either FNP (Family Nutrition Program) or EFNEP (the Expanded Food and Nutrition Education Program). An educator from either program may be able to prepare food for demonstration and also sign clients up for in-home classes on shopping and budgeting. Contact the local extension office for additional information.

If a volunteer prepares food for demonstration, be sure to contact your local health department for help with food safety issues and regulations.

CHOICE ON PAPER

The last (and least preferred) method for moving to choice is to give clients a list of items and let them choose on paper. The volunteer then pulls these items off the shelf and bags them for the client.

There are several disadvantages to this method, especially if the client has trouble reading or has English as a second language. Choice is designed to help with a flow of many different kinds of food. If there is limited selection of items, the list will surely often be out of date. If the client circles green beans and there aren't any, then either the volunteer chooses an alternate for the client or extra time is taken to ask what else they would like. Most people prefer to physically touch and choose the foods they want rather than pick from a list.

SAMPLE LIST

Bread items

(Circle 3)

Crackers

Tortillas

Cereal

Rice

Macaroni and Cheese

Chips or Popcorn

Protein items

(Circle 3)

Spam

Chicken and noodles

Stew

Tuna

Peanut Butter

Eggs

Canned fruits/vegetables/juices

(Circle 4)

Green Beans

Orange juice

Grape juice

Tomato juice

Tomatoes

Beets

Peaches

Pears

Free items

(Circle 3)

Bread

Cold Medicine

Soap

Sweet or pastry

Snack items

(Diapers, if available)

Choice pantry shopping has the unique ability to create a practice shopping experience for the client. Many people of all income levels waste precious food dollars by not knowing how to comparison-shop. Even though the client is not using actual dollars, he is using points, pounds, or items, and must budget them in the same way as money. This allows the experience of choosing or putting back selected items on the shelf, because it does not fit in the shopping budget. This experience can translate to better use of money or food stamps in the grocery store.

SENIORS AND CHOICE

Seniors may need some special consideration when planning a choice pantry. A choice pantry can be especially helpful to someone trying to plan a special diet around high blood pressure, cholesterol issues, or diabetes. In addition, extra thought may need to go into the physical space at the pantry to make allowances for physical impairments brought about by aging. Here are some examples of typical problems:

Items are placed too high on shelves for someone with limited range of arm motion.
Items are placed too low for someone with back problems or balance issues.
Baskets or carts may be needed, or at least a table to set items on while choosing grocery selections.

Special tools such as a grab claw may be useful for items placed high on shelves.
Frozen items may be preferred over canned items due to high sodium content of canned items, and ease of opening the container. (Joint and hand problems due to arthritis may make using a can opener difficult.)

Frozen items also allow less food waste for a person living alone as a single serving can be taken out of the package and the rest returned to the freezer.

Seniors may need assistance to their car or just walking around the pantry.

Single serving containers are preferred whenever possible to help prevent food waste.

Other considerations for seniors struggling with finances include:

Offering personal care products at no additional points such as denture cleaner or hair-care products.

Pet foods should be offered if at all possible since many seniors who live alone will sacrifice valuable food dollars at the grocery store to make sure a beloved pet receives the food it needs.

Offering some over the counter medicines at one or no points to help conserve grocery dollars for food.

Provide information to seniors at pantry sites about hot meal sites for seniors, home delivered meals, and free or reduced priced prescription drug programs. These are all excellent opportunities for the pantry volunteers to interact with the seniors visiting the food pantry and form lasting relationships with the clients while making a real difference in the quality of their lives.

Volunteers who make deliveries with the use of a proxy form can easily have an extra box or cooler along with alternate foods to quickly trade apple sauce for peaches, green beans for corn, or a different canned meat. These small changes can really boost the nutrition for an older person whose appetite is lagging or certain foods do not taste good to them. It is best to carry along the extra foods rather than try a paper and pencil method. Seniors, like most of us, enjoy the ability to choose among actual foods.

Section 11

PROHIBITED ACTIVITIES

SALE OF FOOD PRODUCTS

USDA requires agencies to give food products to eligible households at no charge. Selling food products or trading food products for services is strictly prohibited. Violators are subject to Federal and /or State prosecution.

POLITICAL ACTIVITY

Political activity in any form is prohibited during commodity distribution. Candidates may not make political appearances during hours of operation or when recipients are at the food outlet. Campaign literature and signs must not be evident. Bags or boxes advertising candidates or political causes may not be used to carry food products and staff may not wear buttons or politically inspired apparel.

SOLICITATION AND MEMBERSHIP REQUIRED

Clients may not be solicited for contributions and may not be required to attend, participate or join the organization distributing the food. Eligibility is based solely on income eligibility and state residency.

FOOD PRODUCTS AS COMPENSATION

Volunteers and staff are entitled to USDA products only if they meet income eligibility requirements. Eligible volunteers and staff may not be given extra food to encourage their help. Issue rates established by the food outlet must not be exceeded.

DISCRIMINATION

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the

information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

AMERICANS WITH DISABILITIES ACT (ADA)

The potential impact the Americans with Disabilities Act (ADA) may have on not-for-profit organizations has been a concern for many agencies. Homeless shelters, soup kitchens and food pantries that are covered under Title III of the ADA as “places of public accommodation” and that lease or occupy donated space from a religious organization remain subject to ADA. Accordingly, a distribution site that occupies leased or donated space in a church, synagogue or temple or facilities owned by a church, synagogue or temple is subject to the ADA and Section 504 of the Rehabilitation Act of 1973.

Removal of architectural and structural barriers such as stairs or narrow doorways in existing buildings is required when such removal is “readily achievable”, that is when the modifications can be easily accomplished without great difficulty or expense. A variety of factors are considered in making this determination, including the overall financial resources of the organization and the extent of the action required. Also included is the impact of the action on the continued operation of the facility.

If the expense of removing the structural barriers will prove too costly for the distribution site, other ways to comply with ADA still exist. The installation of a buzzer or intercom at a stairway would still allow the client access to the services of the site. The recruitment of additional volunteers to provide home delivery through use of the proxy system is acceptable. The “readily achievable” removal of barriers might include installing grab bars, ramps for steps, adding Braille marking to existing signs, rearranging tables or chairs, and making other modest adjustments.

All of the above can be accomplished with little or no expense to the site. The primary goal should be to allow access to the services provided by the site if access to the facilities cannot be achieved. For information regarding a survey of your facilities and what could be done to make a site more accessible, contact the Disability and Business Center at 1-800-949-4ADA.

Section 12

RECORDS AND REPORTS

ERA REPORTS TO ISDH

Reporting TEFAP Service Statistics and Commodity Distribution

Service Statistics Process

The ERA will -

Require all outlets to submit monthly service statistics to them no later than the 10th day of each month.

Submit electronically, the compiled monthly service statistics for the prior month to ISDH no later than the 20th day of every month.

The SA will -

Enter service statistics into the appropriate database.

Provide to each RA, electronically, a baseline distribution worksheet, no later than the 5th day of the month following receipt of the RAs service statistics.

The ERA will use the new worksheet to distribute commodities.

Distribution Worksheets Process

The ERA will –

Use the correct distribution worksheet to determine distribution of commodities to food outlets (pantries and soup kitchens).

Submit completed worksheet for each distributed commodity to the SA no later than 30 days after the product is distributed.

DISTRIBUTION SITE REPORTS TO THE ERAs

Food outlets are responsible for reporting to the ERA the number of households and meals served each month. The individual food outlets must keep the completed client signature sheets on file so that the ERA, State Auditors, or ISDH can review these items.

RETENTION OF RECORDS

All records must be kept for three (3) years from the close of the federal fiscal year to which they pertain and the current year. The ERA is responsible for the proper maintenance and retention of all records required of the food outlets. Records must be available for inspection by USDA, ISDH and/or their designees.

Section 13

EXHIBITS

Exhibit A	Proxy Statement / English & Spanish
Exhibit B	Memorandum of Agreement for ERA and Food Outlet
Exhibit C	Map of TEFAP Recipient Agencies
Exhibit D	FNS instruction 113-1 section XI
Exhibit E	Income Eligibility Sheets
Exhibit F	LEP Guidelines/I Speak Statement
Exhibit G	FNS 57
Exhibit H	B.O.L. (Bill Of Lading)
Exhibit I	Warehousing Standards
Exhibit J	ERA Delivery Receipt
Exhibit K	Commodity Loss Form
Exhibit L	Code of Federal Regulations for TEFAP (7 CFR 251)
Exhibit M	Monitoring Forms



**Indiana State Department of Health
2015 RECEIPT OF PANTRY PRODUCTS- Effective April 1, 2015**

PANTRY: _____

COUNTY: _____ **PANTRY ADDRESS:** _____

PROXY STATEMENT - PLEASE PRINT

The Proxy is necessary due to any individual with a condition that makes pick-up at food pantry impossible and/or recipients with work hours that conflict with the scheduled distribution hours for outlets serving the area in which the individual resides should use the Proxy. The individual designating his/her proxy should complete this form.

RECIPIENT'S NAME	ADDRESS	CITY	STATE	ZIP

HOUSEHOLD SIZE	REASON FOR PROXY

PROXY'S NAME	ADDRESS	CITY	STATE	ZIP

Willful diversion of USDA Commodities for personal gain is a state and federal offense, subject to a fine of up to \$10,000 and/or imprisonment up to 5 years. USDA products cannot be sold, traded or bartered.

I CERTIFY WITH MY SIGNATURE THAT MY MAXIMUM INCOME FOR RECEIPT OF USDA COMMODITIES AND OTHER ITEMS DOES NOT EXCEED THE AMOUNT LISTED BELOW:

NUMBER IN HOUSEHOLD	MONTHLY INCOME	ANNUAL INCOME	NUMBER IN HOUSEHOLD	MONTHLY INCOME	ANNUAL INCOME
1	\$1,815	\$21,775	5	\$4,380	\$52,559
2	\$2,456	\$29,471	6	\$5,022	\$60,255
3	\$3,098	\$37,167	7	\$5,663	\$67,951
4	\$3,739	\$44,863	8	\$6,304	\$75,647
FOR EACH ADDITIONAL HOUSEHOLD MEMBER, ADD				\$642	

My household income does not exceed these established limits. I will use any food received for my household only. I release USDA, the State of Indiana, and any agency or person distributing this food from all liabilities resulting from my receipt of this food.

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

I also certify I am aware that selling, exchanging, fraud or abuse of the TEFAP Commodity Program is subject to Federal prosecution under Section 12G of the National School Lunch Act.

Signature: _____ Verified By: _____
(Recipient) (Site Personnel)

Revised 03/31/2015 (2015 income guidelines)



Indiana State Department of Health

RECIBO DEL 2015 (FOOD PANTRY) LA DESPENSA
Effectivo el 01 de abril de 2015

DESPENSA: _____

CONDADO: _____ DIRECCION DESPENSA: _____

AUTORIZACION DECLARACION
FAVOR DE ESCRIBIR EN LETRA DE (MOLDE DE IMPRENTA)

Cualquier individuo con limitaciones o que su horario de trabajo le impida recoger los alimentos, puede USAR una persona designada, la cual tendra que llenar esta forma.

Nombre: _____ Direccion: _____

Ciudad: _____ CodigoPostal: _____

Personas en el hogar: _____

Razon para mandar otra persona: _____

YO CERTIFICO CON MY FIRMA QUE MI INGRESO MAXIMO NO EXCEDE EN NINGUN MOMENTO LA CANTIDAD EN LA LISTA SIGUIENTE.

PERSONAS EN EL HOGAR	ENTRADA MENSUAL	ENTRADA ANUAL	PERSONAS EN EL HOGAR	ENTRADA MENSUAL	ENTRADA ANUAL
1	\$1,815	\$21,775	5	\$4,380	\$52,559
2	\$2,456	\$29,471	6	\$5,022	\$60,255
3	\$3,098	\$37,167	7	\$5,663	\$67,951
4	\$3,739	\$44,863	8	\$6,304	\$75,647
POR CADA PERSONA EXTRA ANADA.....				\$642	

Mis entradas no exceden los limites establecidos Yo usare estos productos solamente para el consumo de nuestro hogar, y en ningun momento culpare a USDA o al estado de Indiana o cualquier otra agencia o persona que distribuyan estos alimentos de responsabilidad que pueda resultar por recibir o usar estos productos

El Departamento de Agricultura de EE.UU. prohíbe la discriminación en contra de sus clientes, empleados y solicitantes de empleo sobre la base de raza, color, origen nacional, edad, discapacidad, sexo, identidad de género, religión, represalia, y donde las creencias aplicable, estado civil, político, estado familiar o parental, orientación sexual, o la totalidad o parte de los ingresos de un individuo son derivados de cualquier programa de asistencia pública, o la información genética protegida en el empleo o en cualquier programa o actividad realizada o financiada por el Departamento. (No todas las bases prohibidas se aplican a todos los programas y / o actividades de empleo.) Si usted desea presentar una reclamación sobre el programa de derechos civiles de la discriminación, complete el Formulario de Queja de Discriminación Programa de USDA, que se encuentra en línea en http://www.ascr.usda.gov/complaint_filing_cust.html, o en cualquier oficina de USDA, o llame al (866) 632-9992 para solicitar el formulario. También puede escribir una carta con toda la información solicitada en el formulario. Envíe su formulario de queja o una carta a nosotros por correo al Departamento de Agricultura de EE.UU., Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, por fax (202) 690-7442 o al correo electrónico program.intake@usda.gov. Las personas sordas, con problemas de audición o discapacidades del habla pueden comunicarse con el USDA a través del Federal Relay Service al (800) 877-8339, o (800) 845-6136 (español). USDA es un proveedor y empleador.

Los productos de USDA no se pueden vender cambiar, traficar o usarse para fraude, el abuso del programa (TEFAP), es sujeto a persecucion Federal.

FIRMA: _____ VERIFICADO POR: _____

Revised 03/31/2015 (2015 income guidelines)

**MEMORANDUM OF AGREEMENT (MOA)
THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)**

7 CFR 251.2(d)(1)(i) Agreements between the Indiana State Department of Health and Eligible Recipient Agencies (ERA), and agreements between ERA's and Food Outlets must assure that all parties operate the program in accordance with federal regulations 7 CFR 251, and 250.

The agreement shall become effective October 1, 2014 and in absence of prior notification of termination, shall terminate on September 30, 2016.

In accordance with 7 CFR 251.2(c) (2), either party may terminate the agreement in whole or in part with a thirty (30) day written notice. If the agreement is not renewed prior to the expiration of the current agreement, then all USDA food products must be immediately surrendered to the ERA. *TM Pg. 21*

Duties of the Food Outlet. The outlet agrees to the responsibilities and requirements referenced in The Emergency Food Assistance Program, TEFAP Manual and are incorporated into this agreement.

Not for Profit Status 501 (c) (3) The Food Outlet certifies that it is a public, private, or a non-profit organization. The Food Outlet must submit to the ERA certification of Internal Revenue Code Not for Profit status. Local government agencies acting as food outlets, such as township trustees are tax exempt by nature and do not require certification. *TM Pg. 13*

Access to Records and Facilities: The Food Outlet agrees to collect and maintain all documents necessary for program operations and maintain them in the same location where operations occur. Documents must be kept for three (3) years plus the current year of operation. The ERA, acting as an agent of ISDH, shall supply the Food Outlet with all reporting forms for receipt of food products. The Food Outlet also agrees that representatives of USDA, ISDH, and ERA may have access to all program records, may observe food distribution to recipients, may conduct monitoring of food pantries, soup kitchens, or homeless shelters, and may conduct reviews of storage facilities and food products in storage. Visits may be conducted at any reasonable time during normal Food Outlet hours of operation. *TM Pg. 15*

Nondiscrimination: The Food Outlet hereby agrees that it will comply with all state and federal regulations as outlined in USDA Civil Rights and Non-Discrimination statements, and Indiana's Religious Discrimination Addendum. The Food Outlet staff will complete annual Civil Rights training conducted by the ERA, and conduct Civil Rights training no less than annually for all employees and volunteers that come in contact with program participants. *TM Pgs. 6, 24 & 48*

Receipt of USDA Allocated Commodities: All USDA allocated commodities are the property of the United States Department of Agriculture, Food and Nutrition Services (USDA/FNS) throughout all phases of the distribution process. Once commodities are distributed to income eligible recipients at designated Food Outlets, the distribution process is considered complete. Indiana State Department of Health works directly with Food and Nutrition Services (FNS), Agricultural Management Services (AMS) and United States Department of Agriculture (USDA) to provide USDA allocated food products to ERA's. The food outlet agrees to accept allocated product according to ERA delivery guidelines. The ERA does not guarantee the quality or condition of food products provided to the Food Outlets. The Food Outlet shall release USDA, ISDH, and the ERA from any liability for losses, damages, illnesses, or injuries resulting from distribution of food products. *TM Pg. 23*

Repackaging: There will be NO repackaging of allocated USDA food products at the Food Outlet or off premises without written approval from USDA. *TM Pg. 30*

Prohibited Activities: The sale, exchange, or use of any USDA food products for personal gain, or use as a means to further the political interest of any individual or party or any other form of fraud or abuse is subject to federal and state prosecution. *TM Pgs. 23-24*

The Food Outlet shall not charge any fees, require membership or referrals as a condition for receipt of both USDA and non-USDA food items. This agreement further prohibits the requirement of membership in any organization; church, political, fraternal, union, block club, etc. or attendance of same as a requisite for receipt of any food products.

The Food Outlet shall not distribute any food product to hospitals, group-home care facility-providing meals for residents, penal institutions, non-profit school lunch programs, non-profit summer camps for children, other child nutrition programs (excluding Kids Cafe). *TM Pg. 47*

Storage Facilities and Distribution Sites: The Food Outlet shall have a secure and adequate facility for proper storage and distribution of all food products to prevent spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the product. In accordance with 7 CFR 250.14(b), a thermometer is required and must be in all dry storage, refrigeration and freezer areas. Temperature readings for all areas of the storage facilities will be taken at least weekly, and a temperature log will be maintained. Storage is to be rodent and insect free. *TM Pgs. 26-28*

Product Delivery: When physical delivery of food products is taken, the Food Outlet shall assume liability for the safekeeping of food products until the food products are released to eligible recipients. This liability shall be limited to improper distribution or use, loss or damage caused by failure to provide proper storage, care, and handling. At the option of ISDH, the Food Outlet shall be required to replace any loss of USDA donated food. Losses must be immediately reported to the ERA. The Food Outlet will be the carrier of liability insurance at all times and will provide proof upon request. *TM Pgs. 26-27*

Distribution of Donated USDA Commodities: Outlets are to be open to the public with hours of operation clearly posted, including directional signage if necessary. Outlets that

are currently not designated as “closed shelters” must offer food to eligible recipients on a first come, first served basis at a minimum of every 30 days without appointment. *TM Pg. 20*

Required Signage: The Food Outlet agrees to post in an area where the participants can see; the "And Justice for All" poster, TEFAP income eligibility guidelines, the amount of items available in the form of household breaks, and any other pertinent information such as SNAP benefit information, list of area pantries, and brochures on local resources available pantry clients may access. *TM Pg. 22*

Public Outreach: The Food Outlet agrees it will publicize within its designated service area the operational hours the outlet is open to alert potential participants of the availability of food products. Methods to publicize the site's operational hours include, but are not limited to, placing notices in local newspapers, posters, pamphlets, or help lines. The Food Outlet agrees it will keep the ERA current of its regularly scheduled hours of operation. *TM Pgs. 21-22*

Income Eligibility: The Food Outlet agrees to adhere to USDA Income Eligibility Guidelines as revised and issued by Indiana State Department of Health. The Federal Poverty and Unemployment Guideline released by Health and Human Services, and currently used for TEFAP in Indiana is 185%. Food Outlets will distribute USDA allocated foods to income eligible households; program participation is determined by self-declaration of income. Food outlets may ask recipients for name, address, household size, and household income level. Food Outlets providing services to income eligible recipients more frequently than every 30 days may ask for proof of address such as a piece of mail or ID. No other information is to be collected, copied or stored. *TM Pg. 9*

Complaints and Investigations: The ERA and the Food Outlet agree to cooperate fully with ISDH in the investigation of all complaints received. The ERA and the Food Outlet agree to correct any violations that are disclosed. The Food Outlet shall report promptly, first by phone and then in writing to the ERA. The ERA will report to ISDH detailing all corrective measures taken. If any irregularities are deemed critical then the ERA and/or ISDH may immediately remove all USDA food products with only verbal notification. *TM Pgs. 47-48*

Parties to this agreement: Sponsoring ERA and Food Outlet; Name, Physical Address, Mailing Address, and Contact.

ERA

Food Outlet

This Food Outlet is a: ___ Soup Kitchen, ___ Food Pantry, ___ Both (FP/SK)

Signatures: Both parties have read, understand, and agree to the terms outlined in this Memorandum of Agreement, and TEFAP Program Manual

Signed: _____

Authorized ERA Agency Representative

Signed: _____

Authorized Food Outlet Representative

Typed/Printed Name

Typed/Printed Name

Title of Authorized Representative

Title of Authorized Representative

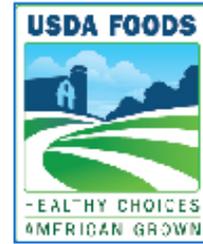
Date of Signature

Date of Signature



Food Bank of Northern Indiana

Executive Director: Milton Lee
 Contact: Jamie Owen
jowen@feedingamerica.org
 702 S. Chapin Street
 South Bend, IN 46601
 574-232-9966 or 800-879-7040



Food Bank of Northwest Indiana

Executive Director: Arleen Peterson
arpeterson@foodbanknwi.org
 Contact: Tricia Sheaks
tsheaks84@yahoo.com
 2248 West 35th Avenue
 Gary, Indiana 46408
 219-980-1777 or 888-728-2453

Food Finders Food Bank, Inc.

Executive Director: Katy Bunder
kbunder@food-finders.org
 Contact: Adam Meyer
ameyer@food-finders.org
 50 Olympia Court
 Lafayette, IN 47909
 765-471-0062

Terre Haute Catholic Charities

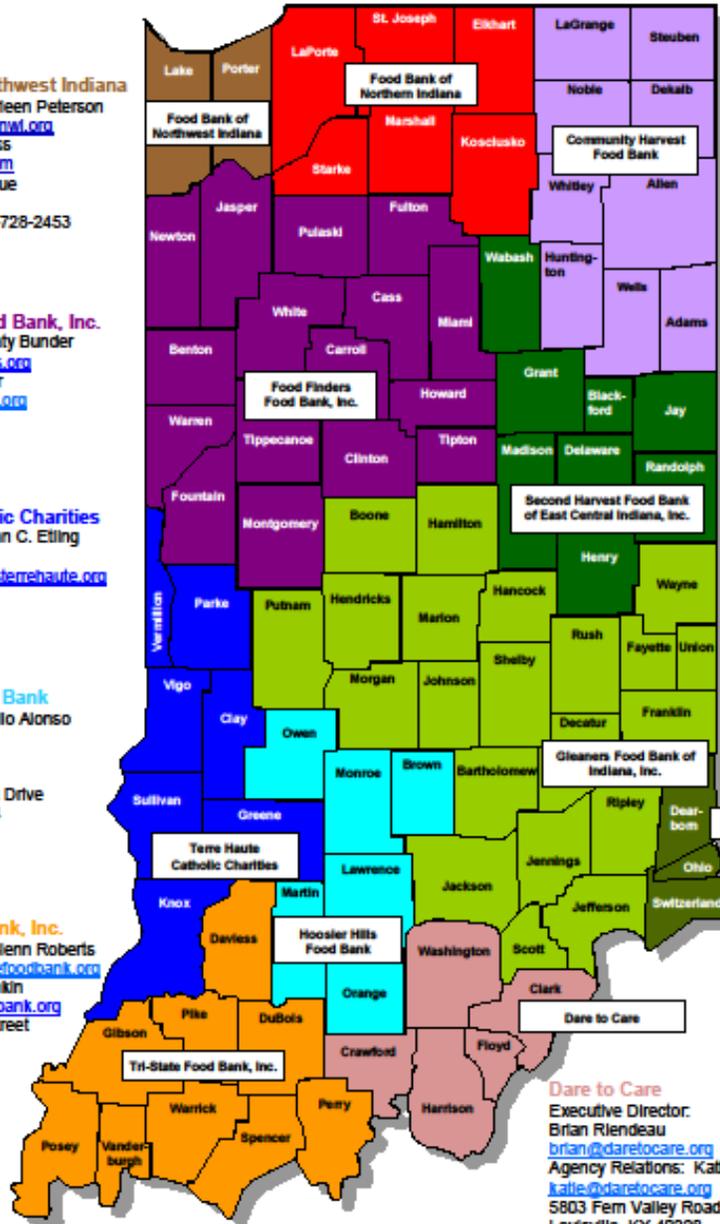
Executive Director: John C. Eiling
 Contact: Thomas Kuhl
tkuhl@catholiccharitiessterrehaute.org
 1356 Locust Street
 Terre Haute, IN 47807
 812-235-3424

Hoosier Hills Food Bank

Executive Director: Julio Alonso
julio@hhfoodbank.org
 Contact: Casey Sturey
csturey@hhfb.org
 2333 W Industrial Park Drive
 Bloomington, IN 47404
 812-334-8374

Tri-State Food Bank, Inc.

Executive Director: Glenn Roberts
glennroberts@tristatefoodbank.org
 Contact: Barbara Tonkin
bartonkin@tristatefoodbank.org
 801 East Michigan Street
 Evansville, IN 47711
 812-425-0775



Community Harvest Food Bank

Executive Director: Jane Avery
javery@communityharvest.org
 Contact: Mary Carpenter
mcarpenter@communityharvest.org
 999 E. Tilman Road
 Ft. Wayne, IN 46855
 260-447-3696 or 888-774-1465

Second Harvest Food Bank of East Central Indiana, Inc.

Executive Director: Tim Kean
tkean@oureuhunger.org
 Contact: Samantha Bilbrey
sbilbrey@oureuhunger.org
 6621 N Old State Road 3
 Muncie, IN 47303
 765-287-8698 or 800-886-0882

Gleaners Food Bank of Indiana

President/CEO: Cindy Hubert
chubert@gleaners.org
 Agency Relations: Kathy Hahn-Kelner
khahnkelner@gleaners.org
 3737 Waldemere Ave.
 Indianapolis, IN 46241
 317-925-0191 or 800-944-9166

FreeStore

President/CEO: Kurt Reiber
kreiber@freestorefoodbank.org
 Agency Relations: Pam Mawhinney
pmawhinney@freestorefoodbank.org
 Administrative Offices
 1141 Central Parkway
 Cincinnati, OH 45202

Distribution Center
 1250 Tennessee Ave.
 Cincinnati, OH 45229
 513-482-4500

Dare to Care

Executive Director:
 Brian Riendeau
brian@daretocare.org
 Agency Relations: Katherine Wilson
katie@daretocare.org
 5803 Fern Valley Road
 Louisville, KY 40228
 502-962-6674

The Emergency Food Assistance Program (TEFAP) Indiana Food Banks
 2 North Meridian Street-SE, Indianapolis, IN 46204
 1-800-522-0874

XI CIVIL RIGHTS TRAINING

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing CR compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

The FNS Regional OCR and State agencies will be responsible for training State agency staffs. State agencies are responsible for training local agencies. Local agencies are responsible for training their sub recipients, including “frontline staff.” “Frontline staff” who interact with program applicants or participants, and those persons who supervise “frontline staff,” must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to:

- A Collection and use of data,
- B Effective public notification systems,
- C Complaint procedures,
- D Compliance review techniques,
- E Resolution of noncompliance,
- F Requirements for reasonable accommodation of persons with disabilities,
- G Requirements for language assistance,
- H Conflict resolution, and
- I Customer service.



Food Distribution National Policy Memorandum

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

DATE: January 25, 2011

POLICY NO.: FD-113: Commodity Supplemental Food Program (CSFP),
Food Distribution Program on Indian Reservations (FDPIR), and
The Emergency Food Assistance Program (TEFAP)

SUBJECT: Civil Rights Training Requirements for Volunteers

This memorandum clarifies Food and Nutrition Service (FNS) policy regarding civil rights training for volunteers in the Commodity Supplemental Food Program (CSFP), The Emergency Food Assistance Program (TEFAP), and the Food Distribution Program on Indian Reservations (FDPIR). Additional information may be found in FNS Instruction 113-1, which may be retrieved at <http://www.fns.usda.gov/cr/documents/113-1.pdf>.

FNS requires civil rights training for people involved in all levels of the administration of programs that receive Federal financial assistance. Civil rights training requirements for volunteers should be approached in the following manner:

- Frontline volunteers, such as individuals who regularly interact with program applicants and participants or determine eligibility must receive full civil rights training on an annual basis, as outlined in FNS Instruction 113-1, Section XI. Any volunteer who handles personal information must receive this training as well. Training should first occur during each individual's orientation to the program(s).
- Volunteers who do not handle personal information and who may infrequently interact with program applicants, participants, or frontline staff must receive, at a minimum, limited civil rights training which covers customer service and any other subject matter applicable to each volunteer's role and responsibilities. This training may be less time intensive than the full training provided to frontline volunteers. Consistent with above, it must first occur during volunteers' orientation to the program(s) and through refresher training as needed.
- Volunteers who do not interact in any way with program applicants and participants, and who do not handle personal information, do not need civil rights training.

AN EQUAL OPPORTUNITY EMPLOYER

Exhibit D



**Indiana State Department of Health
The Emergency Food Assistance Program (TEFAP)
Effective April 01, 2015**

PLEASE PRINT

Name: _____

Address: _____

Zip Code: _____ Number in Household: _____

I HEREBY CERTIFY THAT MY HOUSEHOLD INCOME IS AT OR BELOW THE FOLLOWING GUIDELINES:

INCOME GUIDELINES (185%)			
HOUSEHOLD SIZE	HOUSEHOLD INCOME	HOUSEHOLD SIZE	HOUSEHOLD INCOME
	(Monthly) (Annual)	(Monthly)	(Annual)
1	\$1,815 \$21,775	4	\$3,739 \$44,863
2	\$2,456 \$29,471	5	\$4,380 \$52,559
3	\$3,098 \$37,167	6	\$5,022 \$60,255

For each additional household member add \$642.00 per month

I ACKNOWLEDGE THAT THE STATE OF INDIANA AND THIS DISTRIBUTION AGENCY HAVE NO CONTROL OVER THE MANUFACTURING OF THIS DONATED PRODUCT AND CONSEQUENTLY DO NOT WARRANT THE CONDITION, QUALITY, OR CONTENT OF THE USDA DONATED COMMODITY.

Date	Signature	Date	Signature

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Revised 03/31/2015 LRW



Indiana State Department of Health
El Programa de Asistencia para Comida de Emergencia
Efectivo el 01 de abril de 2015

POR FAVOR ESCRIBE EN LETRA DE MOLDE

Nombre: _____

Dirección: _____

Código Postal: _____ Número de personas que viven en cada vivienda: _____

FOR LA PRESENTE CERTIFICO QUE LOS INGRESOS TOTALES DEL HOGAR ESTA EN O MENOS DE LAS SIGUIENTES PAUTAS:

GUÍA DE INGRESOS (185%)					
# EN LA CASA	INGRESOS DEL HOGAR		# EN LA CASA	INGRESOS DEL HOGAR	
	(Mensual)	(Anual)		(Mensual)	(Anual)
1	\$1,815	\$21,775	4	\$3,739	\$44,863
2	\$2,456	\$29,471	5	\$4,380	\$52,559
3	\$3,098	\$37,167	6	\$5,022	\$60,255

Por cada miembro adicional de la casa agrega \$642.00 más

RECONOZCO QUE EL ESTADO DE INDIANA Y ESTA AGENCIA DE DISTRIBUCION NO TIENEN CONTROL SOBRE LA FABRICACION DE ESTE PRODUCTO DONADO Y ENTONCES NO GARANTIZA LA CONDICION, CALIDAD, NI CONTENIDO DE LA MERCANCIA DONADA DEL USDA.

Fecha	Firma	Fecha	Firma

El Departamento de Agricultura de EE.UU. prohíbe la discriminación en contra de sus clientes, empleados y solicitantes de empleo sobre la base de raza, color, origen nacional, edad, discapacidad, sexo, identidad de género, religión, represalia, y donde las creencias aplicable, estado civil, político, estado familiar o parental, orientación sexual, o la totalidad o parte de los ingresos de un individuo son derivados de cualquier programa de asistencia pública, o la información genética protegida en el empleo o en cualquier programa o actividad realizada o financiada por el Departamento. (No todas las bases prohibidas se aplican a todos los programas y / o actividades de empleo.) Si usted desea presentar una reclamación sobre el programa de derechos civiles de la discriminación, complete el Formulario de Queja de Discriminación Programa de USDA, que se encuentra en línea en http://www.ascr.usda.gov/complaint_filing_cust.html, o en cualquier oficina de USDA, o llame al (866) 632-9992 para solicitar el formulario. También puede escribir una carta con toda la información solicitada en el formulario. Envíe su formulario de queja o una carta a nosotros por correo al Departamento de Agricultura de EE.UU., Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, por fax (202) 690-7442 o al correo electrónico program.intake@usda.gov. Las personas sordas, con problemas de audición o discapacidades del habla pueden comunicarse con el USDA a través del Federal Relay Service al (800) 877-8339, o (800) 845-6136 (español). USDA es un proveedor y empleador.

Revised 03/31/2015 LRW



**Indiana State Department of Health
The Emergency Food Assistance Program (TEFAP)
Effective April 01, 2015**

I HEREBY CERTIFY THAT MY HOUSEHOLD INCOME IS AT OR BELOW THE FOLLOWING GUIDELINES:

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Date	Name	Address	# in HH	Signature

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Revised 3/31/15 LRW (new income guidelines)



**Indiana State Department of Health
El Programa de Asistencia para Comida de Emergencia
Efectivo el 01 de abril de 2015**

POR LA PRESENTE CERTIFICO QUE LOS INGRESOS TOTALES DEL HOGAR ESTA EN O MENOS DE LAS SIGUIENTES PAUTAS:

GUÍA DE INGRESOS (185%)					
# EN LA CASA	INGRESOS DEL HOGAR		# EN LA CASA	INGRESOS DEL HOGAR	
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Por cada miembro adicional de la casa agrega \$642.00 más

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Fecha	Nombre	Dirección	# en la casa	Firma

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Revised 3/31/15 LRW (new income guidelines)



I Speak Statements

- Unë flas **shqip**. (Albanian)
- እግርኛ** እናገራለሁ። (Amharic)
- ကျွန်ုပ်တို့သည် **မြန်မာဘာသာစကား** ပြောပါသည်။ (Burmese)
- 我说中文。 (Chinese)
- Ja govorim **hrvatski**. (Croatian)
- Je parle **français**. (French)
- Ich spreche **Deutsch**. (German)
- Μιλώ **ελληνικά**. (Greek)
- Mwen pale **Kreyòl**. (Haitian Creole)
- मैं **हिंदी** बोलता हूँ (Hindi)
- Kuv hais **lus hmoob**. (Hmong)
- A nam agụ **Igbo**. (Igbo)
- Parlo **italiano**. (Italian)
- 私は日本語を話します。 (Japanese)
- ខ្ញុំនិយាយភាសា**ខ្មែរ** (Khmer)
- 본인의 모국어는 **한국어**입니다. (Korean)
- ຂ້າພະເຈົ້າເວົ້າ **ພາສາລາວ**. (Lao)
- Aš kalbu **lietuviškai**. (Lithuanian)
- Зборувам **македонски**. (Macedonian)



I Speak Statements

- Mówię **po polsku**. (Polish)
- Eu falo **Português**. (Portuguese)
- Я говорю **по-русски**. (Russian)
- Ja govorim **srpsko - hrvatski**. (Serbo-Croatian)
- Waxaan ku hadlaa **Somali**. (Somali)
- Yo hablo **español**. (Spanish)
- Marunong po akong magsalita ng **Tagalog**. (Tagalog)
- ข้าพเจ้าพูด ภาษาไทย (Thai)
- Konuştuğum dil **Türkçedir**. (Turkish)
- Tôi nói tiếng **Việt**. (Vietnamese)
- Mo ñ sọ **èdè Yorùbá**. (Yoruba)

- أنا أتكلم اللغة العربية. (Arabic)
- اینجانب به زبان فارسی صحبت می کنم. (Farsi)
- אני דובר **עברית**. (Hebrew)
- نه ز زمانی **کوردی** ده ناخفم. (Kurdish)
- میں اردو بولتا/ بولتی ہوں. (Urdu)

Exhibit F

Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the federal assistance.

The following is excerpted from <http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>

“Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”

IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be limited English proficient, or "LEP," and may be eligible to receive language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by HHS recipients and should be considered when planning language services may include such as those:

Persons seeking Temporary Assistance for Needy Families (TANF), and other social services.

Persons seeking health and health-related services.

Community members seeking to participate in health promotion or awareness activities.

Persons who encounter the public health system.

Parents and legal guardians of minors eligible for coverage concerning such programs.

V. How Does a Recipient Determine the Extent of Its Obligation To Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages, or, in fact, that, in certain circumstances, recipient-provided language services are not necessary. (As discussed below, recipients may want to consider documenting their application of the four-factor test to the services they provide.) For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. HHS recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps, if any, they should take to ensure meaningful access for LEP persons.

Exhibit F

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. However, where, for instance, a particular office of the county or city health department serves a large LEP population, the appropriate service area is most likely that office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider whether the minor children their programs serve have LEP parent(s) or guardian(s) with whom the recipient may need to interact.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In certain circumstances, it is important in conducting this analysis to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted when appropriate to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments.(6) Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations which may be underserved because of existing language barriers and who would benefit from the recipient's program, activity, or service, were language services provided.

(6) The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

(2) The Frequency With Which LEP Individuals Come in Contact With the Recipient's Program, Activity or Service

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a recipient's program, activity, or service on a daily basis, a recipient has greater duties than if an LEP individual's contact with the recipient's program, activity, or service is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be

Exhibit F

intricate. It may be as simple as being prepared to use one of the commercially available telephonic interpretation services to obtain immediate interpreter services. For example, a drug treatment program that encounters LEP persons on a daily basis most likely may have a greater obligation than a drug treatment program that encounters LEP persons sporadically. The obligations of both programs are greater than that of a drug treatment program which has never encountered a LEP individual where the service area includes few or no LEP individuals.

In applying this standard, certain recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups. For example, in areas where a community health center serves a large LEP population, outreach may be appropriate. On the other hand, for most individual physicians or dentists, outreach may not be necessary.

(3) The Nature and Importance of the Recipient's Program, Activity, or Service

The more important the recipient's activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Thus, the recipient should consider the importance and urgency of its program, activity, or service. If the activity is both important and urgent--such as the communication of information concerning emergency surgery and the obtaining of informed consent prior to such surgery--it is more likely that relatively immediate language services are needed. Alternatively, if the activity is important, but not urgent--such as the communication of information about, and obtaining informed consent for, elective surgery where delay will not have any adverse impact on the patient's health, or communication of information regarding admission to the hospital for tests where delay would not affect the patient's health-- it is more likely that language services are needed, but that such services can be delayed for a reasonable period of time. Finally, if an activity is neither important nor urgent--such as a general public tour of a facility--it is more likely that language services would not be needed. The obligation to communicate rights to a person whose benefits are being terminated or to provide medical services to an LEP person who is ill differ, for example, from those to provide medical care for a healthy LEP person or to provide recreational programming.

Decisions by a federal, state, or local entity to make an activity compulsory, such as job search programs in welfare to work programs, can serve as strong evidence of the program's importance.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take to comply with Title VI. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, reasonable steps may cease to be "reasonable" where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.(7) Recipients should carefully explore the most cost-effective means of delivering competent and

Exhibit F

accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

(7) Recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The HHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where an application of the four factor test leads to the determination that oral language services are needed and are reasonable.

U.S. DEPARTMENT OF AGRICULTURE- FOOD AND NUTRITION SERVICE

REPORT OF SHIPMENT RECEIVED OVER, SHORT AND/OR DAMAGED

SEE INSTRUCTIONS ON REVERSE

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0293. The time required to complete this information collection is estimated to average 5 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

SECTION A - SHIPMENT IDENTIFICATION AND UNLOADING INFORMATION

1. NAME OF COMMODITY		2. TYPE OF PACK		3. CONTRACT NO.		4. DESTINATION CITY AND STATE	
5. DELIVERY ORDER NO.		6. NOTICE TO DELIVER NO.		7. METHOD OF DELIVERY <input type="checkbox"/> RAIL <input type="checkbox"/> TRUCK <input type="checkbox"/> PIGGYBACK		8. RR CAR, TRUCK, OR FIG NO.	
9. UNLOADED STARTED (Date and Time)				COMPLETED (Date and Time)			
10. OCEAN BILL OF LADING NO. (Overseas Shipment Only)							

SECTION B - OVERAGE, SHORTAGE, AND/OR DAMAGE

11. QUANTITY							
A. REPORTED SHIPPED		B. AMOUNT RECEIVED IN GOOD CONDITION		C. OVER	D. SHORT	E. DAMAGED	F. HIDDEN DAMAGE
12A. DAMAGE/OVERAGE/SHORTAGE WHEN DISCOVERED <input type="checkbox"/> BEFORE UNLOADING <input type="checkbox"/> DURING UNLOADING <input type="checkbox"/> AFTER UNLOADING			12B. HOW DISCOVERED <input type="checkbox"/> UNLOADING TALLY <input type="checkbox"/> PHYSICAL RECOUNT <input type="checkbox"/> OTHER			13. CARRIER'S AGENT PRESENT DURING UNLOADING <input type="checkbox"/> YES <input type="checkbox"/> NO	
14. DOOR SEAL NUMBERS A. INBOUND NUMBERS AND CONDITION OF SEALS				B. OUTBOUND SEAL NUMBERS (If Applicable)			
15. CARRIER'S AGENT NOTIFICATION A. NAME OF AGENT			C. HOW NOTIFIED <input type="checkbox"/> IN PERSON <input type="checkbox"/> FAX <input type="checkbox"/> TELEPHONE <input type="checkbox"/> E-MAIL			16. DID CARRIER'S AGENT RESPOND TO NOTIFICATION? <input type="checkbox"/> YES (In what way) <input type="checkbox"/> NO (Explain)	
B. DATE NOTIFIED							
17. COMPLETE IF APPLICABLE							
A. WAS MECHANICAL REFRIGERATION, EQUIPMENT OPERATING <input type="checkbox"/> YES <input type="checkbox"/> NO				B. TEMPERATURE OF REFRIGERATION UNIT/INTERIOR TEMP/COMMODITY			

CONSIGNEE CERTIFICATION

I CERTIFY the information and statements above are, to the best of my knowledge and belief, true and correct.

DATE	SIGNATURE OF CONSIGNEE OR REPRESENTATIVE
------	--

CARRIER CERTIFICATION

Receipt of a copy of this report is hereby acknowledged and the facts contained herein are verified.

SIGNATURE OF CARRIER'S AGENT	NAME AND ADDRESS OF CARRIER
DATE	CARRIER REMARKS

REMARKS (IF DAMAGED, PLEASE INDICATE NATURE AND DISPOSITION OF THE DAMAGE)

BILL OF LADING - SHORT FORM - NOT NEGOTIABLE

SHIP FROM Cherry Meat Packers, Inc. 4750 S. California Ave Chicago, IL 60632		Bill of Lading Number: BOL 5-10 Date Shipped: 01/28/2013
SHIP TO Gleaners Food Bank of Indiana 3737 Waldmre Dr Indianapolis, IN 46241		I hereby certify that the following described product, which is offered for shipment in commerce has been U.S. Inspected and passed by the U.S. Department of Agriculture, is so marked, and at the date is not adulterated or misbranded.
Delivering Carrier Name: M.C. Logistics		
Truck must be adequately refrigerated to hold product in hard frozen form at all times during transport and delivery of same to consignee. Set refrigeration unit at -20 degrees F (20 degrees below zero F) and maintain temperature for delivery.		Trailer Number: 5377 Trailer Seal Number: 286204
Freight Charge Terms (Freight charges are prepaid unless marked otherwise) Prepaid <input type="checkbox"/> Collected <input type="checkbox"/> 3rd Party <input type="checkbox"/>		
Pallet Exchange		

ORDER INFORMATION

PO# 4100003346, Item 27

SO# 5000141940, Item 300

ASN# 6100152177

No. Packages	Description	Net Weight	Gross Weight
279	Ctns 100159 Beef Ground Frozen Lot 233	11180 lbs.	11997 lbs.
	<i>Jason Boyd 1-28-13 Seal Intact 279 cases received</i>		<i>Jason Boyd</i>

DRIVER SPECIAL INSTRUCTIONS: Upon delivery the signed Bill of Lading stating the date and amount received must be immediately faxed back to : 1-773-927-1520

*The law herein used for this shipment conforms to the specifications set forth in the law used to establish the standard and other requirements of Law for Freight Classification.

Shipper has agreed that this bill of lading is subject to the terms and conditions of the sold bill of lading, including those on the back thereof, portions in the classification or tariff which governs the transportation of this shipment, and the rate terms and conditions are hereby agreed to by the shipper and accepted for transit by the consignee.

Note: Liability limitation for loss or damage in this shipment may be applicable. See 49 USC § 14706(c)(1)(A) and (B).

The property described above in a separate order, receipt or note (contents and conditions) is the responsibility of the carrier, as signed and disposed as indicated below, which said order (hereinafter referred to as "order") is subject to the terms and conditions of the carrier's bill of lading, including those on the back thereof, portions in the classification or tariff which governs the transportation of this shipment, and the rate terms and conditions are hereby agreed to by the shipper and accepted for transit by the consignee. The carrier is not responsible for any loss or damage to the property described above in a separate order, receipt or note (contents and conditions) of the carrier's bill of lading, including those on the back thereof, portions in the classification or tariff which governs the transportation of this shipment, and the rate terms and conditions are hereby agreed to by the shipper and accepted for transit by the consignee.

Received, subject to individual determined rates or contracts that have been agreed upon in writing between the carrier and shipper, if applicable, otherwise to the rates, classifications, and rules that have been established by the carrier and are available to the shipper, on request, and to all applicable state and federal regulations.

If the shipment is to be carried by water, the law requires that the bill of lading show whether it is loaded, stowed, lashed, dunnaged, secured, or stowed, lashed, dunnaged, and secured in the cargo hold of the vessel. NOTE: Where the rate is dependent on the weight of the property, the carrier is not responsible for any loss or damage to the property.

Recipient's Signature: _____ Date/Amount Received: _____
--

Carrier Signature/Pickup Date

Jason Boyd 1-28-13

Carrier hereby accepts responsibility for the property described above in a separate order, receipt or note (contents and conditions) of the carrier's bill of lading, including those on the back thereof, portions in the classification or tariff which governs the transportation of this shipment, and the rate terms and conditions are hereby agreed to by the shipper and accepted for transit by the consignee.

§ 250.14 Warehousing, distribution and storage of donated foods.

(a) *Standards for Warehousing and Distribution Systems* —(1) *Use of cost efficient and effective facilities.*

Distributing agencies shall use the most cost effective and efficient system for providing warehousing and distribution services to recipient agencies. For the purpose of this part, commercial facilities are defined as enterprises that provide commercial warehousing services or commercial delivery services, or those commercial enterprises that provide both warehousing and delivery services.

(2) *Timeframes for evaluation.* All distributing agencies shall evaluate their current warehousing and distribution systems. Initial evaluations shall be submitted to the FNSRO by June 30, 1990. Subsequent evaluations of noncommercial systems shall, at a minimum, be submitted to FNS every three years by March 31.

(3) *Evaluation of current systems.* The evaluation of the system in place shall, at a minimum, include the following information:

(i) A description of the principal warehousing/delivery techniques used by the distributing agency. The description should include:

(A) The frequency of delivery available;

(B) The timeframes for making deliveries;

(C) The type of delivery service offered (to the loading dock or placement in the storeroom); and

(D) The system for recipient agencies to order specific amounts of food from available inventory; and

(ii) An estimate of all costs that will be incurred in administering the Food Distribution Program for the upcoming school year. These costs include transportation, storage and handling of donated foods (if the current distributing agency system does not include delivery to recipient agencies, identification of costs incurred by recipient agencies to pick up commodities at a warehouse and to deliver the food to a centralized storage facility or the individual preparation sites), salaries of persons directly connected with the administration of the program and other program related expenses. These expenses shall include fringe benefits, travel expenses, rent, utilities, accounting/auditing services to recipient agencies such as the costs for administering and monitoring the State's processing program, and technical assistance workshops.

(4) *Comparison of existing system with commercial systems.* All distributing agencies which do not use commercial facilities for a basic level of warehousing and distribution services shall compare the cost of warehousing and distributing commodities under their current system with the cost of comparable services under a commercial system for the upcoming school year.

(i) The cost comparison shall be made between the cost of providing a basic level of service under its current system and the cost of obtaining an equivalent level of service from commercial facilities. This basic level of service shall consist of the transportation, storage and handling of donated food from the time of delivery by the Department to a distributing agency until delivery to a recipient agency's centralized storage facility or individual preparation sites and shall include monthly deliveries of donated food to all recipient agencies except those that have agreed to less frequent deliveries.

(ii) A distributing agency may base its cost comparison on a level of service in excess of the basic level and/or on services not currently provided. In all cases, the comparison must be made on the costs of providing a comparable level of service under the existing system (as identified in § 250.14(a)(2)) versus a commercial system.

(iii) If a distributing agency is unable to locate any commercial facilities expressing interest in providing the basic level of warehousing and distribution services, the distributing agency shall indicate this in its cost comparison submission, together with documentation of its efforts to obtain cost estimates from commercial facilities.

(iv) All initial data regarding the cost of the current warehousing and distribution system and the cost for comparable commercial facilities shall be submitted to the FNSRO by June 30, 1990. Subsequent cost comparisons shall, at a minimum, be submitted to FNS once every three years by March 31.

(5) *Approval to use other systems.* Distributing agencies that do not implement a commercial warehousing and distribution system shall apply to the FNSRO for approval to use other facilities and must demonstrate that other facilities are more cost effective and efficient. All requests for a waiver shall be accompanied with a full evaluation of the existing system complete with cost comparison data. Each request will be considered on a case by case basis. Initial requests for approval of alternative systems shall be submitted to the FNSRO by June 30, 1990. Subsequent requests shall, at a minimum, be submitted to the FNSRO once every three years by March 31.

(6) *System implementation.* (i) Distributing agencies shall implement the most cost effective and efficient system for warehousing and distribution services to recipient agencies by July 1, 1991. Unless otherwise approved by the FNSRO, subsequent to July 1, 1991, a distributing agency shall convert to a commercial system within six months of:

(A) The date of submission of evaluation and cost comparison data indicating that a commercial system is more cost effective and efficient (if no request for approval of an alternate system is made); or

(B) The date of the denial of a request to use an alternative system.

(ii) If at any time FNS determines that the warehousing and distribution system in place is not cost effective or efficient, the distributing agency will be required to reevaluate its system (including a cost comparison and request for continued approval to use an alternative system) in accordance with this subsection within 90 days of notification by the FNSRO.

(7) *Revisions in system.* All distributing agencies (using either commercial or noncommercial systems) shall request approval from the FNSRO at least 90 days in advance of any planned reduction in the level of service provided or any increase in distribution charges beyond normal inflation. If FNS determines the proposed changes are inappropriate, FNS may require the distributing agency to submit additional justification, deny the request, or request a reevaluation of the system in accordance with paragraph (a)(6)(ii) of this section.

(b) *Standards for storage facilities.* Distributing agencies, subdistributing agencies and recipient agencies shall provide facilities for the handling, storage and distribution of donated foods which:

- (1) Are sanitary and free from rodent, bird, insect and other animal infestation;
- (2) Safeguard against theft, spoilage and other loss;
- (3) Maintain foods at proper storage temperatures;
- (4) Excepting recipient agencies, stock and space foods in a manner so that USDA-donated foods are readily identified;
- (5) Store donated food off the floor in a manner to allow for adequate ventilation; and
- (6) Take other protective measures as may be necessary.

Distributing agencies, subdistributing agencies and recipient agencies shall ensure that storage facilities have obtained all required Federal, State and/or local health inspections and/or approvals and that such inspection/approvals are current.

(c) *Reviews.* All distributing agency-level storage facilities shall be reviewed annually. Distributing agencies shall ensure that subdistributing and recipient agencies conduct annual reviews of their respective storage facilities. Documentation shall be maintained on file at the distributing agency or local level as appropriate to reflect compliance with this section, including documentation of corrective action in cases of noncompliance. Corrective action must be taken immediately on all deficiencies identified in the review and the result of the corrective action must be forwarded to the distributing agency. Where applicable, the distributing agency shall determine and pursue claims in accordance with § 250.15(c).

(d) *Contracts.* When contracting for storage facilities, distributing agencies and subdistributing agencies shall enter into written contracts to be effective for no longer than five years, including option years extending a contract. Before the exercise of option years, the storage facility shall update all pertinent information and demonstrate that all donated foods received during the previous contract period have been accounted for. The contract shall, at a minimum, contain the following:

- (1) Assurance that the storage facilities will be maintained in accordance with the standards specified in paragraph (b) of this section;
- (2) Evidence that donated food shall be clearly identified;
- (3) Assurance that an inventory system shall be maintained and an annual physical inventory will be conducted; and reconciled with the inventory records;
- (4) Beginning and ending dates of the contract;
- (5) A provision for immediate termination of the contract due to noncompliance on the part of the warehouse management;
- (6) A provision allowing for termination of the contract for cause by either party upon 30 days written notification;
- (7) The amount of any insurance coverage, which has been purchased to protect the value of food items which are being stored; and
- (8) Express written consent for inspection and inventory by the distributing agency, subdistributing agency, recipient agency, the Comptroller General, the Department or any of their duly authorized representatives.

(e) *Physical inventory.* During the annual review required by paragraph (c) of this section, distributing agencies and subdistributing agencies shall take a physical inventory of their storage facilities. The physical inventory shall be reconciled with each storage facility's book inventory. The reconciliation records shall be maintained by the agency that contracted for or maintained the storage facility. Food items that have been lost, stolen, or found to be out of condition, shall be identified and recorded. Potential excessive inventory, as described in paragraph (f) of this section, shall be reported by the subdistributing agency to the distributing agency. Corrective action on each deficiency noted during these inventories shall be initiated immediately, and a written report of those corrective actions shall be forwarded to the distributing agency. Where applicable, the distributing agency shall pursue claims in accordance with § 250.15(c).

(f) *Excessive inventories.* (1) The distributing agency shall determine if a subdistributing agency's inventories are excessive based on:

(i) The rate of distribution;

(ii) Anticipated distribution; and

(iii) Other concerns such as logistical and economic considerations.

(2) In no case may the inventory level of each donated food in storage exceed a six-month supply unless sufficient justification for additional inventory has been submitted and approved. Subdistributing agencies shall submit justification to the distributing agency in instances where more than a six-month inventory is needed. Justification shall be submitted by the distributing agency to the FNSRO for approval in instances where more than a six-month inventory is needed at the distributing agency level.

(3) The distributing agency shall take corrective action to ensure that excess inventories at all levels are eliminated and shall document actions taken to reduce excessive inventories.

[53 FR 20426, June 3, 1988, as amended at 54 FR 42475, Oct. 17, 1989; 62 FR 53730, Oct. 16, 1997; 67 FR 65015, Oct. 23, 2002]

INVOICE

Invoice Number: AGR24213-1

Invoice Date: 06/14/12

Page: 1

Bill To: Zionsville Presbyterian Church
Nancy Thompson
4776 W. 116th St.
Zionsville, IN 46077

Ship To: Zionsville Presbyterian Church
Nancy Thompson
4776 W. 116th St.
317-370-8691/871-8503
Zionsville, IN 46077

Ship Via DELIVERY
Ship Date 06/14/12
Due Date 07/15/12
Terms Due on 15th of Month

Agency ID 0063105
P.O. Number
P.O. Date 05/29/12
Our Order No. AGR24213
Sales Person

Item/Description	Unit	Order Qty	Qty.	Unit	Est.	VAR	Fees	Cubic Feet	Total Price	Gross Weight
90A154 USDA Canned Pumpkins 100319	Case	10	10							270
90A177 USDA Flips 100288	Case	1	1	1.19			.15			28
90A658 USDA Green Beans 24-11300 Cans 100300	Case	22	22							572
90A008 USDA Cannels Canned 24 # 380 100308	Case	22	22							594
90A256 USDA Spaghetti Sauce 24 - 15 1/4 oz. 100335	Case	22	22							594
90A817 USDA Great Northern Beans 100380	Case	22	22							572
90B835 USDA Spaghetti 12-2 lb. 100428	Case	22	22							572
90B445 USDA Rolled Oats 100428	Case	17	17							548
Transferred to page 2.....										3,848

X *Nancy J. Thompson*

Method(s) used by provider agency to resolve occurrence.
 Requested the individual(s) to pay the full market value of the fraudulently obtained commodities.
 Resolved by local law enforcement investigation.

Name - Law Enforcement Agency	Name - Investigating Officer
Address - Law Enforcement Agency (Street/City/Zip Code)	Telephone Number

If commodities were spoiled, complete the following

Were commodities spoiled upon receipt? Yes No

How often are the temperatures in the storage area checked?

Freezer(s) Daily Weekly Other (specify)

Freezer temperature at time spoilage was discovered:

Refrigerator(s) Daily Weekly Other (specify)

Refrigerator temperature at time spoilage was discovered:

Dry Storage Daily Weekly Other (specify)

Dry Storage temperature at time spoilage was discovered:

Name - Person Responsible for Monitoring Storage Area Temperature	Title	Telephone Number
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Do the refrigerators/freezers have a warning device in case of a malfunction?
 Yes No

Does your agency use any kind of professional pest control service? <input type="checkbox"/> Yes <input type="checkbox"/> No	How often is pest control used? <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other (specify):
---	--

Name - Pest control service	Telephone Number
-----------------------------	------------------

Are shelves or pallets used to keep commodities off the floor? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are dry storage areas well ventilated? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Does your agency have insurance to cover this type of loss? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has a claim been filed with the insurance company? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

If commodities were damaged, complete the following.

Were commodities damaged upon receipt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the damage noted on the Commodity Invoice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were the commodities damaged while in the EFOs possession?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the EFO have insurance to cover this type of loss?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has a claim been filed with the insurance company?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Prior authorization from the Department is required for disposal of commodities per the State/agency agreement.

Was the ISDH/TEFAP notified? Yes No

Process used to dispose of TEFAP commodities

- Burning
- Sanitary landfill (attach copy of certification of disposal from landfill)
- Sold as animal food (attach copy of bill of sale)
- Other (specify):

List commodities stolen, spoiled, damaged or obtained fraudulently.

Commodity	Pack	Quantity Lost	Pack Code No.	Pack Date	Date Received

Provide full description of loss (Attach separate sheet(s) if necessary)

Is a claim action necessary? NO YES if yes, complete "CA001 Claim Action Document"

SIGNATURE - Authorized EFO Representative	Telephone Number	Date Signed
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PART 251—THE EMERGENCY FOOD ASSISTANCE PROGRAM

Sec.

- 251.1 General purpose and scope.
- 251.2 Administration.
- 251.3 Definitions.
- 251.4 Availability of commodities.
- 251.5 Eligibility determinations.
- 251.6 Distribution plan.
- 251.7 Formula adjustments.
- 251.8 Payment of funds for administrative costs.
- 251.9 Matching of funds.
- 251.10 Miscellaneous provisions.

Authority: 7 U.S.C. 7501-7516.

Source: 51 FR 12823, Apr. 16, 1986, unless otherwise noted.

§ 251.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out certain provisions of the Emergency Food Assistance Act of 1983, (7 U.S.C. 612c note).

[51 FR 12823, Apr. 16, 1986, as amended at 64 FR 72902, Dec. 29, 1999]

§ 251.2 Administration.

(a) Food and Nutrition Service. Within the United States Department of Agriculture (the “Department”), the Food and Nutrition Service (FNS) shall have responsibility for the distribution of food commodities and allocation of funds under the part.

(b) State Agencies Within the States, distribution to eligible recipient agencies and receipt of payments for storage and distribution shall be the responsibility of the State agency which has: (1) Been designated for such responsibility by the Governor or other appropriate State executive authority; and (2) entered into an agreement with the Department for such distribution and receipt in accordance with paragraph (c) of this section.

(c) Agreements —(1) Agreements between Department and States.

Each State agency that distributes donated foods to eligible recipient agencies or receives payments for storage and distribution costs in accordance with § 251.8 must perform those functions pursuant to an agreement entered into with the Department. This agreement will be considered permanent, with amendments initiated by State agencies, or submitted by them at the Department's request, all of which will be subject to approval by the Department.

(2) Agreements between State agencies and eligible recipient agencies, and between eligible recipient agencies.

Prior to making donated foods or administrative funds available, State agencies must enter into a written agreement with eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds. State agencies must ensure that eligible recipient agencies in turn enter into a written agreement with any eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds before donated foods or administrative funds are transferred between any two eligible recipient agencies. All agreements entered into must contain the information specified in paragraph (d) of this section, and be considered permanent, with amendments to be made as necessary, except that agreements must specify that they may be terminated by either party upon 30 days' written notice. State agencies must ensure that eligible recipient agencies provide, on a timely basis, by amendment to the agreement, or other written documents incorporated into the agreement by reference if permitted under paragraph (d) of this section, any information on changes in program administration, including any changes resulting from amendments to Federal regulations or policy.

(d) Contents of agreements between State agencies and eligible recipient agencies and between eligible recipient agencies. (1) Agreements between State agencies and eligible recipient agencies and between eligible recipient agencies must provide:

(i) That eligible recipient agencies agree to operate the program in accordance with the requirements of this part, and, as applicable, part 250 of this chapter; and

(ii) The name and address of the eligible recipient agency receiving commodities and/or administrative funds under the agreement.

(2) The following information must also be identified, either in the agreement or other written documents incorporated by reference in the agreement:

(i) If the State agency delegates the responsibility for any aspect of the program to an eligible recipient agency, each function for which the eligible recipient agency will be held responsible; except that in no case may State agencies delegate responsibility for establishing eligibility criteria for organizations in accordance with § 251.5(a), establishing eligibility criteria for recipients in accordance with § 251.5(b), or conducting reviews of eligible recipient agencies in accordance with § 251.10(e);

(ii) If the receiving eligible recipient agency is to be allowed to further distribute TEFAP commodities and/or administrative funds to other eligible recipient agencies, the specific terms and conditions for doing so, including, if applicable, a list of specific organizations or types of organizations eligible to receive commodities or administrative funds;

(iii) If the use of administrative funds is restricted to certain types of expenses pursuant to § 251.8(e)(2), the specific types of administrative expenses eligible recipient agencies are permitted to incur;

(iv) Any other conditions set forth by the State agency.

[51 FR 12823, Apr. 16, 1986, as amended at 51 FR 17933, May 13, 1987; 59 FR 16974, Apr. 11, 1994; 62 FR 53731, Oct. 16, 1997; 64 FR 72902, 72903, Dec. 29, 1999]

§ 251.3 Definitions.

(a) The terms used in this part that are defined in part 250 of this chapter have the meanings ascribed to them therein, unless a different meaning for such a term is defined herein.

(b) Charitable institution (which is defined differently in this part than in part 250 of this chapter) means an organization which—

(1) Is public, or

(2) Is private, possessing tax exempt status pursuant to § 251.5(a)(3); and

(3) Is not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and

(4) Provides food assistance to needy persons.

(c) Distribution site means a location where the eligible recipient agency actually distributes commodities to needy persons for household consumption or serves prepared meals to needy persons under this part.

(d) Eligible recipient agency means an organization which—

(1) Is public, or

(2) Is private, possessing tax exempt status pursuant to § 251.5(a)(3); and

(3) Is not a penal institution; and

(4) Provides food assistance—

(i) Exclusively to needy persons for household consumption, pursuant to a means test established pursuant to § 251.5 (b), or

(ii) Predominantly to needy persons in the form of prepared meals pursuant to § 251.5(a)(2); and

Exhibit L

(5) Has entered into an agreement with the designated State agency pursuant to § 251.2(c) for the receipt of commodities or administrative funds, or receives commodities or administrative funds under an agreement with another eligible recipient agency which has signed such an agreement with the State agency or another eligible recipient agency within the State pursuant to § 251.2(c); and

(6) Falls into one of the following categories:

(i) Emergency feeding organizations (including food banks, food pantries and soup kitchens);

(ii) Charitable institutions (including hospitals and retirement homes);

(iii) Summer camps for children, or child nutrition programs providing food service;

(iv) Nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly), including projects that operate congregate Nutrition sites and projects that provide home-delivered meals; and

(v) Disaster relief programs.

(e) Emergency feeding organization means an eligible recipient agency which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. Emergency feeding organizations have priority over other eligible recipient agencies in the distribution of TEFAP commodities pursuant to § 251.4(h).

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

(g) Food pantry means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(h) Formula means the formula used by the Department to allocate among States the commodities and funding available under this part. The amount of such commodities and funds to be provided to each State will be based on each State's population of low-income and unemployed persons, as compared to national statistics. Each State's share of commodities and funds shall be based 60 percent on the number of persons in households within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State. The surplus commodities will be allocated to States on the basis of their weight (pounds), and the commodities purchased under section 214 of the Emergency Food Assistance Act of 1983 will be allocated on the basis of their value (dollars). In instances in which a State determines that it will not accept the full amount of its allocation of commodities purchased under section 214 of the Emergency Food Assistance Act of 1983, the Department will reallocate the commodities to other States on the basis of the same formula used for the initial allocation.

(i) State agency means the State government unit designated by the Governor or other appropriate State executive authority which has entered into an agreement with the United States Department of Agriculture under § 251.2(c).

(j) Soup kitchen means a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis.

(k) Value of commodities distributed means the Department's cost of acquiring commodities for distribution under this part.

[64 FR 72903, Dec. 29, 1999]

§ 251.4 Availability of commodities.

(a) General. The Department shall make commodities available for distribution and use in accordance with the provisions of this part and also in accordance with the terms and conditions of part 250 of this chapter to the extent that the part 250 terms and conditions are not inconsistent with this part.

(b) Displacement. State agencies shall require that eligible recipient agencies receiving commodities under this part shall not diminish their normal expenditures for food because of receipt of commodities. Additionally, the Secretary

Exhibit L

shall withhold commodities from distribution if it is determined that the commodities would substitute for the same or a similar product that would otherwise be purchased in the market.

(c) Allocations. (1) Allocations of commodities shall be made to State agencies on the basis of the formula defined in § 251.3(h).

(2) FNS shall promptly notify State agencies regarding their allocation of commodities to be made available under this part.

(3) State agencies shall notify the appropriate FNSRO of the amount of the commodities they will accept not later than 30 days prior to the beginning of the shipping period.

(d) Quantities requested. State agencies shall:

(1) Request commodities only in quantities which can be utilized without waste in providing food assistance to needy persons under this part;

(2) Ensure that no eligible recipient agency receives commodities in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities; and

(e) Initial processing and packaging. The Department will furnish commodities to be distributed to institutions and to needy persons in households in forms and units suitable for institutional and home use.

(f) Bulk processing by States. Commodities may be made available to a State agency or, at the direction of the State agency, directly to private companies for processing bulk commodities for use by eligible recipient agencies.

(1) The Department will reimburse the State agency at the current flat rate for such processing.

(2) Minimum yields and product specifications established by the Department shall be met by the processor.

(3) The State shall require the processor to meet State and local health standards.

(4) The external shipping containers of processed products shall be clearly labeled “Donated by the U.S. Department of Agriculture—Not to be Sold or Exchanged”. Internal packaging shall be clearly marked “Donated by the U.S. Department of Agriculture—Processed Under Agreement with the State of ____.” FNS may grant waivers to the internal label requirement if the enforcement of this requirement precludes a State’s participation in the program, or in cases where other processors are not available who are able to meet the labeling requirement within the allowed reimbursement.

(5) Processors and State agencies shall also meet the basic minimum requirements of § 250.30.

(g) Availability and control of donated commodities. Donated commodities will be made available to State agencies only for distribution and use in accordance with this part. Except as otherwise provided in paragraph (f) of this section, donated commodities not so distributed or used for any reason may not be sold, exchanged, or otherwise disposed of without the approval of the Department. However, donated commodities made available under section 32 of Pub. L. 74-320 (7 U.S.C. 612c) may be transferred by eligible recipient agencies receiving commodities under this part, or recipient agencies, as defined in § 250.3 of this chapter, to any other eligible recipient agency or recipient agency which agrees to use such donated foods to provide without cost or waste, nutrition assistance to individuals in low-income groups. Such transfers will be effected only with prior authorization by the appropriate State agency and must be documented. Such documentation shall be maintained in accordance with § 251.10(a) of this part and § 250.16 of this chapter by the distributing agency and the State agency responsible for administering TEFAP and made available for review upon request.

(h) Distribution to eligible recipient agencies—priority system and advisory boards. (1) State agencies must distribute commodities made available under this part to eligible recipient agencies in accordance with the following priorities:

(i) First priority. When a State agency cannot meet all eligible recipient agencies’ requests for TEFAP commodities, the State agency must give priority in the distribution of such commodities to emergency feeding organizations as defined under § 251.3(e). A State agency may, at its discretion, concentrate commodity resources upon a certain type or types of such organizations, to the exclusion of others.

(ii) Second priority. After a State agency has distributed TEFAP commodities sufficient to meet the needs of all emergency feeding organizations, the State agency must distribute any remaining program commodities to other eligible recipient agencies which serve needy people, but do not relieve situations of emergency and distress. A State agency may, at its discretion, concentrate commodity resources upon a certain type or types of such organizations, to the exclusion of others.

Exhibit L

(2) Delegation. When a State agency has delegated to an eligible recipient agency the authority to select other eligible recipient agencies, the eligible recipient agency exercising this authority must ensure that any TEFAP commodities are distributed in accordance with the priority system set forth in paragraphs (h)(1)(i) and (h)(1)(ii) of this section. State agencies and eligible recipient agencies will be deemed to be in compliance with the priority system when eligible recipient agencies distribute TEFAP commodities to meet the needs of all emergency feeding organizations under their jurisdiction prior to making commodities available to eligible recipient agencies which are not emergency feeding organizations.

(3) Existing networks. Subject to the constraints of paragraphs (h)(1)(i) and (h)(1)(ii) of this section, State agencies may give priority in the distribution of TEFAP commodities to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department.

(4) State advisory boards. Each State agency receiving TEFAP commodities is encouraged to establish a State advisory board representing all types of entities in the State, both public and private, interested in the distribution of such commodities. Such advisory boards can provide valuable advice on how resources should be allocated among various eligible outlet types, what areas have the greatest need for food assistance, and other important issues that will help States to use their program resources in the most efficient and effective manner possible. A State agency may expend TEFAP administrative funds to support the activities of an advisory board in accordance with § 251.8 of this part.

(i) Distribution of non-USDA foods. Eligible recipient agencies may incorporate the distribution of foods which have been donated by charitable organizations or other entities with the distribution of USDA-donated commodities or distribute them separately.

(j) Interstate cooperation. State agencies may enter into interagency cooperative agreements to provide jointly or to transfer commodities to an eligible recipient agency that has signed an agreement with the respective State agencies when such organization serves needy persons in a contiguous area which crosses States' borders.

(k) Distribution in rural areas. State agencies shall encourage eligible recipient agencies to implement or expand commodity distribution activities to relieve situations of emergency and distress through the provision of commodities to needy households in rural areas of the State.

(l) Commodity losses. (1) The State agency shall be responsible for the loss of commodities:

(i) When the loss arises from the State agency's improper distribution or use of any commodities or failure to provide proper storage, care, or handling; and

(ii) When the State agency fails to pursue claims arising in its favor, fails to provide for the rights to assert such claims, or fails to require its eligible recipient agencies to provide for such rights.

Except as provided in paragraph (l)(4) of this section, the State agency shall begin claims action immediately upon receipt of information concerning the improper distribution, loss of or damage to commodities, and shall make a claim determination within 30 days of the receipt of information, as described in further detail in FNS Instruction 410-1, Non-Audit Claims—Food Distribution. The funds received from the collection of claims shall be returned to FNS. In instances in which it has been determined by the Department that the collection of funds will have a significant adverse effect on the operation of the program, the Department may permit in-kind replacement of the donated foods in lieu of payment to FNS. Replacement in kind will only be permitted under such terms and conditions as agreed to by the Secretary.

(2) If the State agency itself causes the loss of commodities and the value exceeds \$250, the State agency shall immediately transmit the claim determination to the FNS Regional Office, fully documented as to facts and findings. Except as provided in paragraph (l)(4) of this section, if the State agency itself causes the loss of commodities, and the value does not exceed \$250, the State agency shall immediately return funds equal to the claim amount to FNS.

(3) If the State agency determines that a claim exists against an eligible recipient agency, warehouseman, carrier or any other entity and the value of the lost commodities exceeds \$2500, the State agency shall immediately transmit the claim determination to the appropriate FNS Regional Office, fully documented as to facts and findings. If FNS determines from its review of the claim determination that a claim exists, the State agency shall make demand for restitution upon the entity liable immediately upon receipt of notice from the FNS Regional Office. Except as provided in paragraph (l)(4) of this section, if the State agency determines that a claim exists in favor of the State

agency against an eligible recipient agency, warehouseman, carrier or any other entity and the value of the lost commodities does not exceed \$2500, the State agency shall immediately proceed to collect the claim.

(4) No claim determination shall be required where the value of the lost commodities is \$100 or less. However, no such claim shall be disregarded where:

(i) There is evidence of fraud or a violation of Federal, State or local criminal law; or

(ii) Program operations would be adversely affected.

(5) The State agency shall maintain records and substantiating documents, on all claims actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount involved.

(6) In making final claim determinations for commodity losses incurred by eligible recipient agencies when there is no evidence of fraud or negligence, State agencies and FNS Regional Offices, as applicable, shall consider the special needs and circumstances of the eligible recipient agencies, and adjust the claim and/or conditions for claim collection as appropriate. These special needs and circumstances include but are not limited to the eligible recipient agency's use of volunteers and limited financial resources and the effect of the claim on the organization's ability to meet the food needs of low-income populations.

(Approved by the Office of Management and Budget under control number 0584-0313 and 0584-0341)

[51 FR 12823, Apr. 16, 1986, as amended at 52 FR 17933, May 13, 1987; 52 FR 42634, Nov. 6, 1987; 59 FR 16974, Apr. 11, 1994; 64 FR 72904, Dec. 29, 1999]

§ 251.5 Eligibility determinations.

(a) Criteria for determining eligibility of organizations. Prior to making commodities or administrative funds available, State agencies, or eligible recipient agencies to which the State agency has delegated responsibility for the distribution of TEFAP commodities or administrative funds, must ensure that an organization applying for participation in the program meets the definition of an "eligible recipient agency" under § 251.3(d). In addition, applicant organizations must meet the following criteria:

(1) Agencies distributing to households. Organizations distributing commodities to households for home consumption must limit the distribution of commodities provided under this part to those households which meet the eligibility criteria established by the State agency in accordance with paragraph (b) of this section.

(2) Agencies providing prepared meals. Organizations providing prepared meals must demonstrate, to the satisfaction of the State agency, or eligible recipient agency to which they have applied for the receipt of commodities or administrative funds, that they serve predominantly needy persons. State agencies may establish a higher standard than "predominantly" and may determine whether organizations meet the applicable standard by considering socioeconomic data of the area in which the organization is located, or from which it draws its clientele. State agencies may not, however, require organizations to employ a means test to determine that recipients are needy, or to keep records solely for the purpose of demonstrating that its recipients are needy.

(3) Tax-exempt status. Private organizations must—

(i) Be currently operating another Federal program requiring tax-exempt status under the Internal Revenue Code (IRC), or

(ii) Possess documentation from the Internal Revenue Service (IRS) recognizing tax-exempt status under the IRC, or

(iii) If not in possession of such documentation, be automatically tax exempt as "organized or operated exclusively for religious purposes" under the IRC, or

(iv) If not in possession of such documentation, but required to file an application under the IRC to obtain tax-exempt status, have made application for recognition of such status and be moving toward compliance with the requirements for recognition of tax-exempt status. If the IRS denies a participating organization's application for recognition of tax-exempt status, the organization must immediately notify the State agency or the eligible recipient agency, whichever is appropriate, of such denial, and that agency will terminate the organization's agreement and participation immediately upon receipt of such notification. If documentation of IRS recognition of tax-exempt status has not been obtained and forwarded to the appropriate agency within 180 days of the effective date of the organization's approval for participation in TEFAP, the State agency or eligible recipient agency must terminate the organization's participation until such time as recognition of tax-exempt status is actually obtained, except that the State agency or eligible recipient agency may grant a single extension not to exceed 90 days if the organization can demonstrate, to the State agency's or eligible recipient agency's satisfaction, that its inability to obtain tax-exempt status within the 180 day period is due to circumstances beyond its control. It is the responsibility of the organization to document that it has complied with all IRS requirements and has provided all information requested by IRS in a timely manner.

(b) Criteria for determining recipient eligibility. Each State agency must establish uniform Statewide criteria for determining the eligibility of households to receive commodities provided under this part for home consumption. The criteria must:

- (1) Enable the State agency to ensure that only households which are in need of food assistance because of inadequate household income receive TEFAP commodities;
- (2) Include income-based standards and the methods by which households may demonstrate eligibility under such standards; and
- (3) Include a requirement that the household reside in the geographic location served by the State agency at the time of applying for assistance, but length of residency shall not be used as an eligibility criterion.

(c) Delegation of authority. A State agency may delegate to one or more eligible recipient agencies with which the State agency enters into an agreement the responsibility for the distribution of commodities and administrative funds made available under this part. State agencies may also delegate the authority for selecting eligible recipient agencies and for determining the eligibility of such organizations to receive commodities and administrative funds. However, responsibility for establishing eligibility criteria for organizations in accordance with paragraph (a) of this section, and for establishing recipient eligibility criteria in accordance with paragraph (b) of this section, may not be delegated. In instances in which State agencies delegate authority to eligible recipient agencies to determine the eligibility of organizations to receive commodities and administrative funds, eligibility must be determined in accordance with the provisions contained in this part and the State plan. State agencies will remain responsible for ensuring that commodities and administrative funds are distributed in accordance with the provisions contained in this part.

[64 FR 72904, Dec. 29, 1999]

§ 251.6 Distribution plan.

(a) Contents of the plan. The State agency must submit for approval by the appropriate FNS Regional Office a plan which contains:

- (1) A designation of the State agency responsible for distributing commodities and administrative funds provided under this part, and the address of such agency;
- (2) A plan of operation and administration to expeditiously distribute commodities received under this part;
- (3) A description of the standards of eligibility for recipient agencies, including any subpriorities within the two-tier priority system; and
- (4) A description of the criteria established in accordance with § 251.5(b) which must be used by eligible recipient agencies in determining the eligibility of households to receive TEFAP commodities for home consumption.

(b) Plan submission and amendments. Once approved, State plans are permanent. State agencies must submit amendments to the distribution plan when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

(c) Amendments. State agencies must submit amendments to the distribution plan to the extent that such amendments are necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

[64 FR 72905, Dec. 29, 1999, as amended at 74 FR 62474, Nov. 30, 2009]

§ 251.7 Formula adjustments.

(a) Commodity adjustments. The Department will make annual adjustments to the commodity allocation for each State, based on updated unemployment statistics. These adjusted allocations will be effective for the entire fiscal year, subject to reallocation or transfer in accordance with this part.

(b) Funds adjustments. The Department will make annual adjustments of the funds allocation for each State based on updated unemployment statistics. These adjusted allocations will be effective for the entire fiscal year unless funds are recovered, withheld, or reallocated by FNS in accordance with § 251.8(f).

Exhibit L

[64 FR 72905, Dec. 29, 1999]

§ 251.8 Payment of funds for administrative costs.

(a) Availability and allocation of funds. Funds made available to the Department for State and local costs associated with the distribution of commodities under this part shall, in any fiscal year, be distributed to each State agency on the basis of the funding formula defined in § 251.3(h).

(b) Uniform Federal Assistance Regulations. Funds provided under this section shall be subject to the Department's regulations issued under 7 CFR part 3016 or part 3019, as applicable.

(c) Payment to States. (1) Funds under this section shall be made available by means of letters of credit in favor of the State agency. The State agency shall use any funds received without delay in accordance with paragraph (d) of this section.

(2) Upon notification by the FNS Regional Office that an agreement has been entered into in accordance with § 251.2(c) of this part, FNS shall issue a grant award pursuant to procedures established by FNS, and promptly make funds available to each State agency within the State's allocation through issuance of a letter of credit. To the extent funds are available and subject to the provisions of paragraph (f) of this section, funds will be made available to State agencies on an advance basis.

(3) Each State agency shall return to FNS any funds made available under this section either through the original allocation or through subsequent reallocations which are unobligated as of the end of the fiscal year for which they were made available. Such return shall be made as soon as practicable but in no event later than 30 days following demand made by FNS.

(d) Priority for eligible recipient agencies distributing USDA commodities. State agencies and eligible recipient agencies distributing administrative funds must ensure that the administrative funding needs of eligible recipient agencies which receive USDA commodities are met, relative to both USDA commodities and any non-USDA commodities they may receive, before such funding is made available to eligible recipient agencies which distribute only non-USDA commodities.

(e) Use of funds —(1) Allowable administrative costs. State agencies and eligible recipient agencies may use funds made available under this part to pay the direct expenses associated with the distribution of USDA commodities and commodities secured from other sources to the extent that the commodities are ultimately distributed by eligible recipient agencies which have entered into agreements in accordance with § 251.2. Direct expenses include the following, regardless of whether they are charged to TEFAP as direct or indirect costs:

- (i) The intrastate and interstate transport, storing, handling, repackaging, processing, and distribution of commodities (including donated wild game); except that for interstate expenditures to be allowable, the commodities must have been specifically earmarked for the particular State or eligible recipient agency which incurs the cost;
- (ii) Costs associated with determinations of eligibility, verification, and documentation;
- (iii) Costs of providing information to persons receiving USDA commodities concerning the appropriate storage and preparation of such commodities;
- (iv) Costs involved in publishing announcements of times and locations of distribution; and
- (v) Costs of recordkeeping, auditing, and other administrative procedures required for program participation.

(2) State restriction of administrative costs. A State agency may restrict the use of TEFAP administrative funds by eligible recipient agencies by disallowing one or more types of expenses expressly allowed in paragraph (e)(1) of this section. If a State agency so restricts the use of administrative funds, the specific types of expenses the State will allow eligible recipient agencies to incur must be identified in the State agency's agreements with its eligible recipient agencies, or set forth by other written notification, incorporated into such agreements by reference.

(3) Agreements. In order to be eligible for funds under paragraph (e)(1) of this section, eligible recipient agencies must have entered into an agreement with the State agency or another eligible recipient agency pursuant to § 251.2(c).

(4) Pass-through requirement-local support to emergency feeding organizations. (i) Not less than 40 percent of the Federal Emergency Food Assistance Program administrative funds allocated to the State agency in accordance with paragraph (a) of this section must be:

(A) Provided by the State agency to emergency feeding organizations that have signed an agreement with the State agency as either reimbursement or advance payment for administrative costs incurred by emergency feeding

organizations in accordance with paragraph (e)(1) of this section, except that such emergency feeding organizations may retain advance payments only to the extent that they actually incur such costs; or

(B) Directly expended by the State agency to cover administrative costs incurred by, or on behalf of, emergency feeding organizations in accordance with paragraph (e)(1) of this section.

(ii) Any funds allocated to or expended by the State agency to cover costs incurred by eligible recipient agencies which are not emergency feeding organizations shall not count toward meeting the pass-through requirement.

(iii) State agencies must not charge for commodities made available under this part to eligible recipient agencies.

(f) Recovery and reallocation. If, during the course of the fiscal year, the Department determines that a State agency is unable to use all of the funds allocated to it during the fiscal year, the Department shall recover or withhold and reallocate such unused funds among other States.

[51 FR 12823, Apr. 16, 1986, as amended at 59 FR 16974, Apr. 11, 1994; 64 FR 72906, Dec. 29, 1999; 74 FR 62474, Nov. 30, 2009]

§ 251.9 Matching of funds.

(a) State matching requirement. The State must provide a cash or in-kind contribution equal to the amount of TEFAP administrative funds received under § 251.8 and retained by the State agency for State-level costs or made available by the State agency directly to eligible recipient agencies that are not emergency feeding organizations as defined in § 251.3(e). The State agency will not be required to match any portion of the Federal grant passed through for administrative costs incurred by emergency feeding organizations or directly expended by the State agency for such costs in accordance with § 251.8(e)(4) of this part.

(b) Exceptions. In accordance with the provisions of 48 U.S.C. 1469a, American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands shall be exempt from the matching requirements of paragraph (a) of this section if their respective matching requirements are under \$200,000.

(c) Applicable contributions. States shall meet the requirements of paragraph (a) of this section through cash or in-kind contributions from sources other than Federal funds which are prohibited by law from being used to meet a Federally mandated State matching requirement. Such contributions shall meet the requirements set forth in 7 CFR 3016.24. In accordance with part 3016 or 3019, as applicable, the matching requirement shall not be met by contributions for costs supported by another Federal grant, except as provided by Federal statute. Allowable contributions are only those contributions for costs which would otherwise be allowable as State or local-level administrative costs.

(1) Cash. An allowable cash contribution is any cash outlay of the State agency for a specifically identifiable allowable State- or local-level administrative cost, including the outlay of money contributed to the State agency by other public agencies and institutions, and private organizations and individuals. Examples of cash contributions include, but are not limited to, expenditures for office supplies, storage space, transportation, loading facilities and equipment, employees' salaries, and other goods and services specifically identifiable as State- or local-level administrative costs for which there has been a cash outlay by the State agency.

(2) In-kind. (i) Allowable in-kind contributions are any contributions, which are non-cash outlays, of real property and non-expendable personal property and the value of goods and services specifically identifiable with allowable State administrative costs or, when contributed by the State agency to an eligible recipient agency, allowable local-level administrative costs. Examples of in-kind contributions include, but are not limited to, the donation of office supplies, storage space, vehicles to transport the commodities, loading facilities and equipment such as pallets and forklifts, and other non-cash goods or services specifically identifiable with allowable State-level administrative costs or, when contributed by the State agency to an eligible recipient agency, allowable local-level administrative costs. In-kind contributions shall be valued in accordance with part 3016 or 3019, as applicable.

(ii) In order for a third-party in-kind contribution to qualify as a State-level administrative cost for purposes of meeting the match, all of the following criteria shall be met:

(A) In its administration of food assistance programs, the State has performed this type of function over a sustained period of time in the past;

(B) The function was not previously performed by the State on behalf of eligible recipient agencies; and

(C) The State would normally perform the function as part of its responsibility in administering TEFAP or related food assistance programs if it were not provided as an in-kind contribution.

Exhibit L

(d) Assessment fees. States shall not assess any fees for the distribution of donated foods to eligible recipient agencies.

(e) Reporting requirements. State agencies shall identify their matching contribution on the FNS-667, Report of TEFAP Administrative Costs, in accordance with § 251.10(d).

(f) Failure to match. If, during the course of the fiscal year, the quarterly FNS-667 indicates that the State is or will be unable to meet the matching requirements in whole or in part, the Department shall suspend or disallow the unmatched portion of Federal funds subject to the provisions of paragraph (a) of this section. If, upon submission of the final FNS-667 for the fiscal year, the Department determines that the State has not met the requirements of paragraph (a) of this section in whole or in part, the unmatched portion of Federal funds subject to the requirements of paragraph (a) of this section shall be subject to disallowance by FNS.

[52 FR 17934, May 13, 1987, as amended at 59 FR 16975, Apr. 11, 1994; 64 FR 72906, Dec. 29, 1999]

§ 251.10 Miscellaneous provisions.

(a) Records —(1) Commodities. State agencies, subdistributing agencies (as defined in § 250.3 of this chapter), and eligible recipient agencies must maintain records to document the receipt, disposal, and inventory of commodities received under this part that they, in turn, distribute to eligible recipient agencies. Such records must be maintained in accordance with the requirements set forth in § 250.16 of this chapter. Eligible recipient agencies must sign a receipt for program commodities which they receive under this part for distribution to households or for use in preparing meals, and records of all such receipts must be maintained.

(2) Administrative funds. In addition to maintaining financial records in accordance with 7 CFR part 3016, State agencies must maintain records to document the amount of funds received under this part and paid to eligible recipient agencies for allowable administrative costs incurred by such eligible recipient agencies. State agencies must also ensure that eligible recipient agencies maintain such records.

(3) Household information. Each distribution site must collect and maintain on record for each household receiving TEFAP commodities for home consumption, the name of the household member receiving commodities, the address of the household (to the extent practicable), the number of persons in the household, and the basis for determining that the household is eligible to receive commodities for home consumption.

(4) Record retention. All records required by this section must be retained for a period of 3 years from the close of the Federal Fiscal Year to which they pertain, or longer if related to an audit or investigation in progress. State agencies may take physical possession of such records on behalf of their eligible recipient agencies. However, such records must be reasonably accessible at all times for use during management evaluation reviews, audits or investigations.

(b) Commodities not income. In accordance with section 206 of Pub. L. 98-8, as amended, and notwithstanding any other provision of law, commodities distributed for home consumption and meals prepared from commodities distributed under this part shall not be considered income or resources for any purposes under any Federal, State, or local law.

(c) Nondiscrimination. There shall be no discrimination in the distribution of foods for home consumption or availability of meals prepared from commodities donated under this part because of race, color, national origin, sex, age, or handicap.

(d) Reports —(1) Submission of Form FNS-667. Designated State agencies must identify funds obligated and disbursed to cover the costs associated with the program at the State and local level. State and local costs must be identified separately. The data must be identified on Form FNS-667, Report of Administrative Costs (TEFAP) and submitted to the appropriate FNS Regional Office on a quarterly basis. The quarterly report must be submitted no later than 30 calendar days after the end of the quarter to which it pertains. The final report must be submitted no later than 90 calendar days after the end of the fiscal year to which it pertains.

(2) Reports of excessive inventory. Each State agency must complete and submit to the FNS Regional Office reports to ensure that excessive inventories of donated foods are not maintained, in accordance with the requirements of § 250.17(a) of this chapter.

(e) State monitoring system. (1) Each State agency must monitor the operation of the program to ensure that it is being administered in accordance with Federal and State requirements. State agencies may not delegate this responsibility.

(2) Unless specific exceptions are approved in writing by FNS, the State agency monitoring system must include:

(i) An annual review of at least 25 percent of all eligible recipient agencies which have signed an agreement with the State agency pursuant to § 251.2(c), provided that each such agency must be reviewed no less frequently than once every four years; and

(ii) An annual review of one-tenth or 20, whichever is fewer, of all eligible recipient agencies which receive TEFAP commodities and/or administrative funds pursuant to an agreement with another eligible recipient agency. Reviews must be conducted, to the maximum extent feasible, simultaneously with actual distribution of commodities and/or meal service, and eligibility determinations, if applicable. State agencies must develop a system for selecting eligible recipient agencies for review that ensures deficiencies in program administration are detected and resolved in an effective and efficient manner.

(3) Each review must encompass, as applicable, eligibility determinations, food ordering procedures, storage and warehousing practices, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, and civil rights.

(4) Upon concurrence by FNS, reviews of eligible recipient agencies which have been conducted by FNS Regional Office personnel may be incorporated into the minimum coverage required by paragraph (e)(2) of this section.

(5) If deficiencies are disclosed through the review of an eligible recipient agency, the State agency must submit a report of the review findings to the eligible recipient agency and ensure that corrective action is taken to eliminate the deficiencies identified.

(f) Limitation on unrelated activities. (1) Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites as long as:

(i) The person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the Department (impermissible activities include information not related to TEFAP placed in or printed on bags, boxes, or other containers in which commodities are distributed). Recipes or information about commodities, dates of future distributions, hours of operations, or other Federal, State, or local government programs or services for the needy may be distributed without a clarification that the information is not endorsed by the Department;

(ii) The person(s) conducting the activity makes clear that cooperation is not a condition of the receipt of TEFAP commodities for home consumption or prepared meals containing TEFAP commodities (cooperation includes contributing money, signing petitions, or conversing with the person(s)); and

(iii) The activity is not conducted in a manner that disrupts the distribution of TEFAP commodities or meal service.

(2) Eligible recipient agencies and distribution sites shall ensure that activities unrelated to the distribution of TEFAP foods or meal service are conducted in a manner consistent with paragraph (f)(1) of this section.

(3) Termination for violation. Except as provided in paragraph (f)(4) of this section, State agencies shall immediately terminate from further participation in TEFAP operations any eligible recipient agency that distributes or permits distribution of materials in a manner inconsistent with the provisions of paragraph (f)(1) of this section.

(4) Termination exception. The State agency may withhold termination of an eligible recipient agency's or distribution site's TEFAP participation if the State agency cannot find another eligible recipient agency to operate the distribution in the area served by the violating organization. In such circumstances, the State agency shall monitor the violating organization to ensure that no further violations occur.

(g) Use of volunteer workers and non-USDA commodities. In the operation of the Emergency Food Assistance Program, State agencies and eligible recipient agencies shall, to the maximum extent practicable, use volunteer workers and foods which have been donated by charitable and other types of organizations.

(h) Maintenance of effort. The State may not reduce the expenditure of its own funds to provide commodities or services to organizations receiving funds or services under the Emergency Food Assistance Act of 1983 below the level of such expenditure existing in the fiscal year when the State first began administering TEFAP, or Fiscal Year 1988, which is the fiscal year in which the maintenance-of-effort requirement became effective, whichever is later.

Exhibit L

(i) Data collection related to eligible recipient agencies. (1) Each State agency must collect data related to eligible recipient agencies that have an agreement with the State agency to participate in the program for each of Federal fiscal years 2006 through 2009, including those eligible recipient agencies that participated only for part of the fiscal year. Such data shall include:

(i) The name of each eligible recipient agency;

(ii) The city in which each participating eligible recipient agency was headquartered and the name of the state;

(iii) The amount of funds provided to the participating organization, i.e., the sum of the amount of federal administrative funds plus the value of the commodities purchased under Section 214 of the Emergency Food Assistance Act of 1983 provided to each participating eligible recipient agency; and

(iv) The type of participating organization, e.g., government agency, educational institution, non-profit organization/secular, non-profit organization/faith-based, and "other."

(2) On or before August 31, 2007, and each subsequent year through 2010, State agencies must report to FNS data as specified in paragraph (i)(1) of this section for the prior Federal fiscal year. State agencies must submit this data in a format designated by FNS.

(Approved by the Office of Management and Budget under control number 0584-0313)

[51 FR 12823, Apr. 16, 1986. Redesignated and amended at 51 FR 17934, May 13, 1987; 53 FR 15357, Apr. 29, 1988; 59 FR 16975, Apr. 11, 1994; 62 FR 53731, Oct. 16, 1997; 64 FR 72907, Dec. 29, 1999; 72 FR 24184, May 2, 2007

**INDIANA TEFAP
ELIGIBLE RECIPIENT AGENCY (ERA) REVIEW FORM
CA: CORRECTIVE ACTION, R: RECOMMENDATION**

Date:	Reviewer(s):
ERA:	
Location:	

SECTION I: GENERAL COMPLIANCE REQUIREMENTS

References: 7 CFR 251.5; 7 CFR 251.10(c); TEFAP Manual - Section 3 ADMINISTRATION OF TEFAP, Section 11 PROHIBITED ACTIVITIES			
1. Does the ERA have on file current verification of non/not-for-profit status from the Indiana Secretary of State and exemption from Federal income tax liability from the IRS?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. Does the ERA have on file current proof of insurance?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
3. Was it verified that the ERA is not currently on the IRS Automatic Revocation of Exemption List?	Yes <input type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Have ERA and distribution site staff and volunteers received training on nondiscrimination regulations and the FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, to ensure that, in the operation of the program no person is discriminated against because of race, color, national origin, age, sex, disability, or religion* (Indiana statute*) and required TEFAP training within the last year? [Review the RA’s training materials and training logs.]	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
5. Does the ERA serve, on a regular basis, non-English-speaking persons? If yes, what languages are requested _____	Yes <input checked="" type="checkbox"/>	No(NA) <input type="checkbox"/>	Comments:
6. Are appropriate accommodations made to assist non-English-speaking persons? [Review examples of document.]	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Have there been any discrimination complaints with the last year? If yes, [Review all documents.]	Yes (CA) <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Comments:
7b. If yes, was the complaint forwarded to ISDH?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
8. Are ERA staff and volunteers aware of the proper procedure for forwarding discrimination complaints?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
9. Does ERA perform outreach activities to ensure that residents of the service area are aware of the location and operating hours of soup kitchens and pantries? List type(s).	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
10. Does ERA comply with the requirements for federal funds disclosure in its statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or program supported in whole or in part by grant funds?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

11. Does ERA have a written policy of nondiscrimination in its hiring practices?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
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SECTION II: APPROPRIATE ADMINISTRATION

References: 7 CFR 251.10(a); TEFAP Manual - Section 3 ADMINISTRATION OF TEFAP Section 11 PROHIBITED ACTIVITIES, Section 5 ERA RESPONSIBILITIES

1. Does the ERA use the proper agreement (MoA)?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. When recruiting local organizations to participate in TEFAP, does the ERA take into account the following factors: a) the adequacy of the storage and distribution facility b) the ability to maintain required records c) the existence of a policy of nondiscrimination d) documented tax exempt status	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

[Review list of counties and outlets provided by the ERA. Use for items 3 through 8.]

3. Does the number and distribution of sites provide adequate and appropriate coverage of the served area? If no, explain.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Does the ERA have on file monitoring reports that document that the required number of outlets is monitored within a twelve-month period? (20 or fewer=ALL; more than 20=every 2 years)	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
5. What is the date of the most recent master list of distribution sites with days and hours of operation? _____ Is the list current and accurate?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

How many sites are under contract, in each of these categories?

Pantries _____ Soup Kitchens _____ Pantry/Kitchen _____ Shelters _____

6. Does the ERA's list match the list maintained by ISDH?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Does the ERA properly monitor outlets and maintain appropriate records of the monitoring?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
#7 Note: Examine spreadsheet provided by ERA showing outlets, monitoring schedule and results.			
8. Does the ERA submit BOLs within 48 hours of receipt?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
9. Does the ERA maintain records for 3 years plus the current?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
10. Does the ERA submit service statistics to ISDH by the 20 th of each month?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
11. Does the ERA submit distribution workbooks to ISDH no later than 30 days after product is distributed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

File Review (5 files)

Outlet 1:

Is a current MOA in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Did ERA perform a site visit before the MOA was signed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

Is proof of non-profit status in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Outlet 2:			
Is a current MOA in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Did ERA perform a site visit before the MOA was signed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Outlet 3:			
Is a current MOA in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Did ERA perform a site visit before the MOA was signed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

Exhibit M

Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Outlet 4:			
Is a current MOA in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Did ERA perform a site visit before the MOA was signed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Outlet 5:			
Is a current MOA in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Was MOA signed before the outlet received commodities?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Did ERA perform a site visit before the MOA was signed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is proof of non-profit status in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Does the outlet distribute food at least once a month and for at least two hours?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is the outlet a public facility?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Have outlet staff and volunteers participated in TEFAP and Civil Rights training within the past year?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Is current certification of insurance in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
Has the ERA monitored the outlet within the past two years? If there were findings, enter comments.	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:

Exhibit M

If the outlet is a soup kitchen, is current Food Handler Certification on staff and in the file?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
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SECTION III: STORAGE, WAREHOUSING & INVENTORY CONTROLS

References: 7 CFR 251.10(a); 7 CFR 250.14; 7 CFR 251.4; TEFAP Manual - Section 5 ERA RESPONSIBILITIES, Section 6 STORAGE AND HANDLING			
1. Is food kept 6" off the floor, on pallets, platforms or shelves?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. Is food kept 4" (12" preferred) from walls to allow good air circulation and for pest control?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
3. Is food distributed within 6 months of ERA receiving it?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
4. Are non-food items kept separate from food items?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
5. Are toxic items stored far from food items?	Yes <input checked="" type="checkbox"/>	No(NA) <input type="checkbox"/>	Comments:
6. Are floors, pallets and shelving clean/	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
7. Are doors, windows, and roofs well-sealed to prevent pest entry and water damage?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
8. Are thermometers present in all freezers, refrigerators and storage areas	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
9. Are proper temperatures maintained?			
#9 Note: Review ERA temperature logs			
10. Are good pest control practices maintained?			
#10 Note: Review ERA pest control logs			
11. Is equipment regularly and properly maintained?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
#11 Note: Review ERA equipment maintenance logs			
12. Has the ERA experienced any commodity losses during the past 12 months? (Include those incurred at outlets.) If yes, explain loses and how they were resolved.	Yes(CA) <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Comments:
13 Does the ERA have a policy and procedures in place to inspect USDA commodities shipments prior to signing for receipt of delivers to identify damaged or spoiled product?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
#13 Note: Review the documents			
14. Does the ERA practice "first in, first out" (FIFO)?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
15. Are BOLs properly completed?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
#15 Note: dated, signed, count verified, seal condition noted, temperature (if cold or frozen delivery)			
16. Do delivery records show that any discrepancy or out-of-condition was reported to ISDH before accepting the load?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
17. Does the physical inventory match the book inventory?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
#17 Note: Answer after performing inventory check			

Inventory Accountability Worksheet

Comments:				

SECTION IV: DISTRIBUTION

References: 7 CFR 251.4; 7 CFR 251.10(a); 7 CFR 250.16; TEFAP Manual - Section 5 ERA RESPONSIBILITIES

1. Are appropriate distribution records maintained by the ERA?	Yes <input checked="" type="checkbox"/>	No(CA) <input type="checkbox"/>	Comments:
2. Does the ERA receive monthly household service data from food pantries and meal service data from soup kitchens and homeless shelters?	Yes <input checked="" type="checkbox"/>	No(R) <input type="checkbox"/>	Comments:
3. Does the ERA use outlet service data in its allocation system?	Yes <input checked="" type="checkbox"/>	No(R) <input type="checkbox"/>	Comments:

Federal Equipment Inventory

(use 1 copy of this for each Inventory Item)

Today's
Date: ____

Monitor Name: _____

Food Bank: _____

Item Description: _____

Tag indicating Federal Prop: yes ____ no ____

Serial Number: _____

Model Number: _____

Federal Stock Number: _____

National Award Number: _____

Titled by: Recipient ____ Fed. Gov. ____

Acquisition Date: _____

Cost: _____

Amount provided by recipient: _____

Amount provided by fed: _____

Total Acquisition cost: _____

Percentage of Fed. Interest: _____

Location of Item: _____

Condition of Item: _____

Last Dt. Loc. And Cond. Verified: _____

Dt. Of Disposal: _____

Sales Price: _____

Method to determine Fair Market: _____

Was Fed. Compensated: _____

Dt. Of Last Item Verification: _____

Current Utilization: _____

Is the Equipment Still Needed: yes ____ no ____

Has the Item been Lost: yes ____ no ____

Has the Item been Stolen: yes ____ no ____

If Lost or Stolen, provide date of loss
and description of circumstances. _____

STAFFING

Name and Title	TEFAP Responsibilities

NOTES / COMMENTS

Area(s) of excellence:
Area(s) of particular concern:
Additional comment(s):



THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

OUTLET ASSESSMENT FORM

REVIEW DATE: _____ REVIEWER INITIALS: _____

REVIEWER: ISDH (*attachments A & B ONLY*) ERA

PANTRY SOUP KITCHEN SHELTER

OUTLET CONTACT INFORMATION

Outlet Name:		
Address:		County:
City:	Zip:	Phone:
Mailing Address – if different		
Contact Name	Email Address	Website
Days & Hours of Operation	Frequency <u>of</u> Clients Served	Service Area
Households and/or Meals Served per Month HH _____ Meals _____	ERA Name	

- Check the appropriate box to the left of each question. *Yes, No, or U (unable to determine)*
- Check the N/A (not applicable) box and follow instruction if outlet is a soup kitchen.

GENERAL COMPLIANCE REQUIREMENTS

YES NO U

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the outlet have a current signed MOA with the ERA? Effective Date _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Is there a copy on file at the outlet and with the ERA? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Is there a copy of the most recent monitoring report on file? Date _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Is there documentation of non-profit status on file with the ERA? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Does the outlet submit service statistics to the ERA each month no later than the 10 th day of the month? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Does the outlet have current proof of insurance? Expiration Date _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Does the outlet publicize within its designated service area in a written statement the operational hours the outlet is open? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. Does the outlet distribute food at least once every thirty days? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. Does the outlet distribute food for at least 2 hours per month? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. Is food secured in a locked area when the outlet is closed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Does the outlet serve the general public? |

ELIGIBILITY PROCEDURES - 7 CFR 251.5 Eligibility determinations

N/A (not applicable) - Outlet is a soup kitchen (skip to next section)

YES NO U

- 1. Are current Income Eligibility Guidelines and ISDH-supplied forms used?
- 2. Are eligibility certificates kept on file for three years plus the current year?
Use this data to complete Attachment C- Eligibility Accountability (Part A)
- 3. Do clients sign an Eligibility Certificate every time they receive items from the outlet?
- 4. Do proxies bring either a new Proxy form *or* a note from the recipient every time they visit?
- 5. Do proxies sign their name, followed by the word “proxy”, on the Eligibility Certificate?
- 6. Does the outlet deliver to homebound or elderly persons?
- 7. Does the homebound client complete and/or sign the proxy?
- 8. Are proxy forms kept on file for three years plus the current year?
Use this data to complete Attachment C- Eligibility Accountability (Part B)
- 9. Does the outlet require only the following information for service: recipient name, address, household size, and signature? If not, what other items?

- 10. Are household breaks posted in a manner that is clearly visible to the client?

OPERATIONAL/CIVIL RIGHTS COMPLIANCE

YES NO U

- 1. Are fees/donations/memberships required for the clients?
- 2. Is the facility handicapped accessible or does the outlet provide a mechanism to serve persons unable to physically access the pantry? (Shopping list, runners, etc.)
- 3. Does the outlet have essential materials in languages for non-English speaking clients?
(Spanish-language poster, eligibility certificates, “I Speak...” document)
- 4. Does the outlet have SNAP (food stamp) information available for clients? *(Spanish and English)*
- 5. Are pantry hours posted on the building exterior and in a manner that is clearly visible to the client?
- 6. Is USDA’s “And Justice for All” poster displayed and visible to clients?
- 7. Are outlet staff and volunteers aware of the proper procedure for receiving and forwarding discrimination complaints?
- 8. Have outlet staff and volunteers participated in TEFAP training within the last year?
- 9. Have outlet staff and volunteers participated in civil rights training within the last year?
- 10. Has there been a discrimination complaint filed against the outlet? If “YES”, describe:

FOOD RECEIPT

TEFAP commodities are: Delivered by ERA Picked up by the outlet

YES NO U

- 1. Does the outlet notify the ERA with any changes?
- 2. Has the food outlet transferred or received product from another TEFAP food outlet?
- 3. Does the outlet track purchased and donated food?
- 4. Does the outlet acquire purchased and/or donated food in addition to TEFAP commodities?
- 5. Does the outlet keep the receipts/invoices for TEFAP commodities received on file for 3 years plus the current year?

FOOD DISTRIBUTION

1-5 are N/A (not applicable) - Outlet is a soup kitchen (skip to # 6)

YES NO U

- 1. Does the outlet practice Client Choice? If "YES", then what type?
 Shop List Other _____
- 2. Is the amount of food given to the client adjusted by family size?
- 3. What is/are the household size break(s)? (Must be at least one break.)

- 4. Does the client receive both TEFAP and non-TEFAP foods? If "NO", explain how TEFAP food is distributed:

- 5. If the outlet has chosen to serve households more than once in a 30-day period, is there an appropriate method of tracking in place?
- 6. Are TEFAP items mixed together with donated and purchased foods?
- 7. Does the outlet have a list of TEFAP outlets in the county and the surrounding counties?
- 8. Does the outlet serve ALL households on the first visit regardless of whether or not they reside within the designated service area?

FOOD STORAGE

YES NO U

- 1. Is all food raised 6 inches above the floor and stored on pallets, platforms, or shelves?
- 2. Is all food stored at least 4 inches away from walls to allow proper ventilation and permit good air circulation?
- 3. Does the outlet follow first in/first out (FIFO) with all products?
- 4. Does outlet have dry, refrigerated, and frozen storage capability?
- 5. Are storage areas free of un-insulated steam and hot water pipes, water heaters, refrigeration condensing units or other heat producing devices?
- 6. Are non-food items kept separated from food items?
- 7. Are toxic items stored in a separate area that is away from food items?
- 8. Are storage areas clean and odor free?

YES NO U

- 9. Are floors, pallets and shelving clean?
- 10. Are thermometers located in all storage areas (dry, refrigerated, and frozen)?
- 11. Is a temperature log maintained in all storage areas (dry, refrigerated & freezer)?
- 12. Are temperatures logged at least weekly?
- 13. Does the log show that proper temperatures are maintained by the outlet?
Compare this data to current temperatures when completing Attachment B-Temperature Record
- 14. What pest control system is in place; in-house or professional? *(circle one)*
- 15. Do the storage areas have limited/secure access?
- 16. Are there any TEFAP commodities currently in storage that were received more than six months ago? If "YES", then please list below:

Use this data to complete Attachment A-Inventory

SOUP KITCHEN/SHELTER ONLY

YES NO U

- 1. Date of last Department of Health Inspection: _____
- 2. Are meals served to: recipients in shelter open to community
- 3. How are meal numbers obtained: head plate other _____
- 4. Names of the workers/volunteers that are ServSafe certified, and the expiration date of their certificate.

PROHIBITED ACTIVITIES

1-2 are N/A (not applicable) if outlet is a soup kitchen (skip to # 3)

YES NO U

- 1. Does the outlet repackage TEFAP commodities?
- 2. Does the outlet pre-bag TEFAP commodities?
- 3. Does the outlet require referrals?
- 4. Excluding Kids Café, does the outlet distribute USDA food product to any other program or entity that is not eligible during the hours of outlet operation? *(No hospitals, nursing homes, schools, summer programs, group homes, etc.)*
- 5. Are donations of gifts or money accepted during pantry hours?
- 6. Does the outlet require clients provide social security or drivers' license numbers?
- 7. Do all activities and distribution procedures appear to be appropriate? Please list concerns below:

Exhibit M

1-2 are N/A (not applicable) if outlet is a soup kitchen (*skip to # 3*)

YES NO U

POSITIVE QUALITIES/INNOVATIONS

CONCERNS/NOTES

Monitor Signature _____ **Date** _____

Printed Name _____ **Title** _____

Outlet Representative Signature _____ **Date** _____

Printed Name _____ **Title** _____

Attachment B – Temperature Record- Use additional record sheets if needed.

Dry Storage

Location on property: _____

Reading(s): _____

Location on property: _____

Reading(s): _____

Refrigeration Storage

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Freezer Storage

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Location on property: _____

Unit Identifier if applicable & Reading(s): _____

Attachment C – Eligibility Accountability

Month Reviewed: _____ Reviewer: _____ Date: _____

Food Bank: _____ Outlet: _____

Please select the participant data collection method below; either *single household* or *aggregate*.

A. Program Accountability

Single Household

Number of households served: _____
(-minus)

Number of eligibility certificates: _____
(=equals)

Total: _____

Aggregate (group)

Number of households served: _____
(-minus)

Number of signatures: _____
(=equals)

Total: _____

If total does not equal zero, please provide an explanation and corrective action plan below:

B. Eligibility Certificate

Please verify the following required information is on the forms: *name, address, household size and signatures*.
Outlets using the single household method will review individual files based on the sliding scale.

Households served 1-500; review 25 files, Households served 500-1999; review 50 files, Households of 2000 or more; review 50 files.

Outlets using the aggregate method will review 10% of aggregate signatures for month of review.

Single Household

Number of files reviewed: _____
(-minus)

Number without missing entries: _____
(=equals)

Total: _____

Aggregate (group)

Number of signatures: _____
(-minus)

Number without missing entries: _____
(=equals)

Total: _____

If total does not equal zero, please provide an explanation and provide written corrective action plan below:

C. Proxy Forms

Please review all proxy forms within 30 days of the review date, and verify required information is on all forms, required information includes: *pantry name and address, recipient name and address, household size, proxy reason, proxy name and address, recipient and pantry attendant signatures*.

If no proxy forms are used during review month, enter zero.

Number of proxy forms reviewed: _____
(-minus)

Number without missing information: _____
(=equals)

Total: _____

If total does not equal zero, please provide outlets explanation and provide written corrective action plan below: