



Food and Nutrition Service

THE EMERGENCY FOOD
ASSISTANCE PROGRAM
(TEFAP)

OCTOBER 2016 UPDATE

MANAGEMENT EVALUATION
MODULE

State Distributing Agency: _____

Review Date(s): _____

Review Period: _____
prior program year and the current year to date

Reviewers: _____

ACRONYMS

CFR – Code of Federal Regulations
EFO – Emergency Food Organization
ERA – Eligible Recipient Agency
FD – Food Distribution
FIFO – First In, First Out
FPRS – Food Programs Reporting System
FNS – Food and Nutrition Service
FNSRO – Food and Nutrition Service Regional Office
ME – Management Evaluation
OMB – Office of Management and Budget
SDA – State Distributing Agency
TEFAP – The Emergency Food Assistance Program
USDA – United States Department of Agriculture
WBSCM – Web-Based Supply Chain Management

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I. STATE AGENCY OPERATIONS

The purpose of this section is to establish dialogue with SDA staff regarding corrective action(s) from the prior ME as well as any unresolved issues; State laws, policy, or legislation that would impact operation of the program under review; and the number of SDA staff, salary allocation, and vacancies.

A. State Agency Issues

1. Discuss unresolved issues including issues from the prior ME and/or open audit recommendations, if applicable. Explain the actions taken or intended.
2. Describe any recently approved State laws, policies, or pending legislation which might impact the SDA's operation of the program.
3. **OPTIONAL.** If the SDA operates a State-funded food assistance program through agencies which also operate TEFAP, describe the program, funding levels and how it may impact their administration of TEFAP. [This information is for informational purposes and does not fulfill a regulatory requirement.]

B. Staffing

[7 CFR Part 250.4(a)]

1. Obtain a copy of the current organizational chart. Identify program staff below:

Name	Title	% Time TEFAP	% Paid TEFAP

2. If SDA staff responsibilities include more than one program, does funding for salaries from various program sources correspond to the time spent on each program? **[2 CFR Part 200.405(d)]** (Obtain a copy of documentation supporting the breakout of staff time and salaries.) Yes _____ No _____

If not, please describe the discrepancy and how compliance will be achieved.

3. Does the SDA provide adequate personnel to administer the Program? **[Part 250.4(a)]** Yes _____ No _____

If not, please describe the SDA's plan to fill existing vacancies or distribute workload to ensure program responsibilities are fulfilled.

II. AGREEMENTS AND ELIGIBILITY

A. State Distributing Agency Agreements

[7 CFR Part 250.4(b) and (c) and Part 251.2]

1. Identify the number of each type of contract/agreement entered into by the SDA and ERAs using column b. of the chart below.

Review the specified number of agreements/contracts identified in column c. in the chart below, using attached Worksheets 1-4 for regulatory requirements. Afterwards, complete column d. of the chart below.

a. Type of Agreement	b. Number of Agreements	c. Review Requirement	d. Does the agreement contain all required provisions?
Storage Facility		20% or 1 whichever is greater	
Carrier		20% or 1 whichever is greater	
ERA which has a signed agreement with the State		20% or 5 whichever is less	
ERA which has a signed agreement with another ERA		20% or 5 whichever is less (if available @ SDA)	

2. Does the SDA ensure that ERAs enter into written agreements with ERAs to which they plan to distribute USDA Foods and/or administrative funds before USDA Foods or administrative funds are transferred between any two ERAs? **[Part 251.2(c)(2)]**
Yes _____ No _____

If not, please describe any discrepancies and explain the actions needed to ensure compliance.

3. Does the State agency delegate the responsibility for any aspect of the program to an ERA? Yes _____ No _____

If yes, describe the responsibilities delegated. Are the delegated responsibilities allowable in accordance with Part 251.2(d)(2)(i), which prohibits delegation of responsibility for establishing organization and recipient eligibility criteria and conducting ERA reviews? If not, please describe action needed to ensure compliance.

B. Eligibility – Organizations

1. Does the SDA (and ERAs to which they have delegated the responsibility to select other ERAs) distribute USDA Foods to ERAs in accordance with the priorities established at Part 251.4(h)? If not, please describe action needed to ensure compliance.

2. Per Part 251.5(a), does the State agency, or ERAs to which the State agency has delegated responsibility, ensure that applicant organizations:
 - meet the definition of an ERA per Part 251.3(d)? Yes _____ No _____
 - when providing USDA Foods to households for preparation at home, only do so to households which meet the eligibility criteria established by the SDA?
Yes _____ No _____
 - when serving meals through congregate feeding to predominantly to needy persons, do so without employing a means test? Yes _____ No _____

Please explain all “no” responses and describe actions needed to ensure compliance.

3. Does the SDA periodically, but no less frequently than annually, review the “IRS Automatic Revocation of Exemption List” to ensure that ERAs with which they have a TEFAP agreement do not appear on the list? [**Part 251.5(a)(3); FD-118: Automatic Revocation of Tax-Exempt Status**] Yes _____ No _____

4. Does the SDA require ERAs that enter into agreements with other ERAs to periodically, but no less frequently than annually, review the “IRS Automatic Revocation of Exemption List” to ensure that ERAs with which they have a TEFAP agreement do not appear on the list? [Part 251.5(a)(3); FD-118: [Automatic Revocation of Tax-Exempt Status](#)] Yes _____ No _____

C. Eligibility – Households
[Part 251.5(b)]

1. Do the SDA’s criteria for determining the eligibility of households:
- apply uniformly throughout the State? Yes _____ No _____
 - enable the SDA to ensure that only households that meet the State’s eligibility requirements receive TEFAP food? Yes _____ No _____
 - include income based standards and methods by which households may demonstrate eligibility under such standards? Yes _____ No _____
 - include a requirement that the household reside in the geographic location served by the SDA, but exclude length of residency as an eligibility criterion?
Yes _____ No _____

Please explain all “no” responses and describe the actions needed to ensure compliance.

2. When did the SDA last update its income standards for ERAs?

3. How often does the State update its income standards? (SDAs are not required to update, but if they do not, more explanation may be needed.)

III. FINANCIAL MANAGEMENT

Administrative Funding. *Each State's share of TEFAP administrative funds is 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. Once funds are appropriated, each State's entire grant is made available. [Part 251.3(h)]*

Pass-Through Requirement. *Program regulations require that not less than 40 percent of TEFAP administrative funds allocated to the State agency must be provided to EFOs or directly expended by the State agency to cover costs incurred by, or on behalf of, EFOs. In order to be eligible for administrative funds, ERAs must have entered into an agreement with the SDA or another ERA. [Part 251.8(e)(4)]*

Funds provided to or expended by the State agency to cover costs incurred by ERAs which are not EFOs cannot count toward meeting the pass-through requirement. While funds may be provided to ERAs which distribute only non-USDA Foods, State agencies and ERAs distributing administrative funds must ensure that the funding needs of ERAs which receive USDA Foods are met first.

Matching Requirement. *State agencies must provide a cash or in-kind contribution equal to the amount of TEFAP administrative funds retained by the State agency for State-level costs or made available by the State agency to ERAs that are not EFOs. [Part 251.9(a)]*

Allowable Costs. *State agencies and ERAs may use TEFAP funds to pay the direct expenses associated with the distribution of USDA Foods and foods secured from other sources. Source documentation should be reviewed to ensure that administrative funds are expended at both the State and local level for allowable costs. In accordance with Parts 251.8(e)(4)(iii) and 251.9(d), SDAs cannot assess fees for the distribution of USDA Foods. [Part 251.8(e)]*

Financial Reporting. *Financial information is reported on the FNS-667 on a quarterly and final basis. The FNS-667 identifies the amount of funds expended for State-level costs, State-paid EFO costs and local-paid EFO costs, as well as the State agency's share of outlays. Reviewers can use the data on this report to [Part 251.10(d)(1)]:*

- *assess State agency compliance with pass-through and matching requirements;*
- *determine whether amounts reported are accurate, based on a comparison to supporting documentation; and*
- *compare outlays to draws as of a specific date (draws should not exceed outlays).*

Applicable Regulations/Instructions. *Parts 251.8 and 251.9 address payment of funds for administrative costs and matching of funds. FNS Instruction 716-3, Rev. 1 provides*

detailed guidance on allowable costs, the State matching requirement, the 40 percent pass-through requirement and the classification of costs.

Donated Food Account. *Per Part 250.17(c) funds accruing from the sale of containers, salvage of foods, insurance and recoveries of claims for the loss or damage of USDA Foods shall be maintained in a donated food account. Although donated food accounts have no set limits, the FNSROs must give prior approval for each deposit to or expenditure from the salvage fund which is in excess of \$25,000.*

A. Administrative Funding

1. Obtain a copy of the SDA's annual TEFAP administrative budget (Federal and non-Federal). What factors does the SDA take into consideration when developing its budget to ensure maximum utilization of its administrative grant? Please explain any changes needed to assist the SDA in maximizing its annual administrative funding.

2. If applicable, please describe how the SDA allocates funds to ERAs.

3. How are funds provided to ERAs?
Reimbursement _____ Advance payment _____ Both _____

4. If funds are provided to ERAs to distribute only non-USDA Foods, has the SDA ensured that all funding needs of ERAs which receive USDA Foods have been met?
Yes _____ No _____ **[Part 251.8(d)]**

If not, describe the actions needed to ensure funds are provided first for USDA Foods needs.

5. Does the SDA adhere to the prohibition against assessing fees for the distribution of USDA Foods? **[Parts 251.8(e)(4)(iii) and 251.9(d)]** Yes _____ No _____

If not, please explain discrepancies and corrective action needed.

6. Although not required, does the SDA pay transportation/storage costs on behalf of ERAs or provide funds to ERAs to cover these costs? **[Part 251.8(e)(1)(i)]**

7. Does the SDA perform periodic financial reviews of ERAs with which they have signed agreements? [**Part 251.10(a)(2)** and **FD-126: Review of Administrative Funds Provided to Eligible Recipient Agencies (ERA) in TEFAP**] Yes _____ No _____

If not, does the SDA require ERAs to submit source documentation to the SDA when requesting reimbursement of TEFAP administrative costs? Yes _____ No _____

If no to either, please explain.

8. Describe the records required from the ERAs and the frequency of reporting.
9. Obtain/review closeout data for the previous fiscal year. Did the SDA obligate the entire administrative grant by September 30, or return funds unspent after the close of the fiscal year? (Check the Statement of Account and Final Form FNS-667 from prior fiscal year to determine this.)
10. Explain reasons for unspent funds and actions taken by SDA to maximize spending.
11. Does the SDA restrict the use of TEFAP administrative funds by ERAs by disallowing expenses expressly allowed by regulation? Yes _____ No _____

If yes, what is the restriction, and is it identified in the agreement? [**Part 251.8(e)(2)**]

B. State Match

1. What amount and percentage of its TEFAP grant does the SDA retain for State-level expenses? [**251.8(e)(4)** and **Part 251.9(a)**]

2. What State-level costs are paid with Federal funds? Are these costs allowable in accordance with FNS Instruction 716-3, Rev. 1, Items VII (C) and VIII and Part 251.8(e)?

If not, please describe discrepancy and action needed to ensure compliance.

3. How much State funding (cash and/or in-kind) is contributed as a match?
4. Does this at least equal the amount of Federal funds retained by the SDA for State-level costs and made available to ERAs that are not EFOs? [**Part 251.9; [FNS Instruction 716-3, Rev. 1, Item VII \(C\)](#)**]
5. What costs, if any, are paid by the SDA to satisfy the matching requirement? [**Part 251.9(c)**]
6. Are these costs reported in Question 5 allowable? [**[FNS Instruction 716-3, Rev. 1, Items II. \(A\), VII. \(C\) and \(D\), VIII.](#)**] Yes _____ No _____

If not, please describe discrepancy and actions needed to ensure compliance.

C. Pass-Through Funds

1. What amount and percentage of its TEFAP administrative grant does the SDA make available to EFOs? [**Part 251.8(e)(4)**]

2. What is the amount and percentage made available or expended on behalf of ERAs that are not EFOs?

3. What costs are paid with the funds made available to ERAs or expended on behalf of ERAs? Are these costs allowable? **[Part 251.8(e)(1) and (2); [FNS Instruction 716-3, Rev. 1, Items II. \(A\) and \(C\), VII. \(C\), IX, and XI](#)]** If not, please describe discrepancy and the actions needed for compliance.

4. Are funds provided only to ERAs that have: 1) entered into an agreement with the SDA, or 2) entered into an agreement with another ERA operating under an ERA/SDA agreement? **[Part 251.8(e)(3)]** If not, describe discrepancy and the corrective actions needed to ensure compliance.

D. Financial Record Keeping and Reporting

1. Describe the method the SDA uses to determine how to distribute administrative funds.

2. Does the SDA allow ERAs to charge maintenance fees (storage and transportation) to other ERAs? Yes _____ No _____

3. Does the SDA maintain records to document State-level costs paid with Federal and State matching funds? Review source documentation. **[Part 251.9]**
Yes _____ No _____

If not, describe corrective action needed to ensure compliance.

4. Does the SDA maintain records to document the administrative funds paid to ERAs for administrative costs? **[Part 251.10(a)(2)]** Yes _____ No _____

If not, please explain action needed to ensure compliance.

5. How does the SDA ensure that ERAs maintain records to document the amount of funds received and costs incurred?

6. If records are maintained at the SDA, review source documentation for at least five (5) expenditures from different ERAs, to the extent practicable, that represent each time frame that the SDA paid administrative costs. **[Part 251.10(a)(2)]** For these reimbursements, ensure that a) the payment was accurate, b) the ERAs' costs were properly documented, and c) the expenses were allowable in accordance with 251.8(e)(1) and (2) and FNS Instruction 716-3, Rev. 1. For each record, indicate that the requirement was followed by checking the appropriate box.

Criteria	ERA Name:				
	Record:	Record:	Record:	Record:	Record:
Payment was accurate					
ERA's costs were properly documented					
Expenses were allowable in accordance with:					
251.8(e)(1) and (2)					
FNS Instruction 716-3, Rev. 1.					
Additional Comments					

7. Compare amounts reported on the FNS-667, Report of TEFAP Administrative Costs, to supporting documentation. Are costs properly identified on the report? Yes _____ No _____

If not, please explain discrepancies and corrective actions needed.

8. Are records retained at both the State and local level for the required 3-year period, or longer if related to an audit or investigation in progress? **[Part 251.10(a)(4)]**
 Yes _____ No _____

If not, please explain actions needed to ensure compliance.

9. Record the dates the FNS-667 reports were certified in FPRS. Does the SDA certify the quarterly and final reports by established deadlines (i.e., 30 days after the end of each quarter and 90 days after the end of the fiscal year)? **[Part 251.10(d)(1)]**

Quarter	Date Due	Date Certified	On Time? (Yes/No)
1 st Quarter	January 30		
2 nd Quarter	April 30		
3 rd Quarter	July 30		
4 th Quarter	October 30		
Final	December 30		

E. Donated Food Account

1. Did the SDA deposit all funds accruing from the sale of containers/pallets, salvage of foods, insurance and recoveries of claims for the loss of or damage of USDA Foods into a donated food account or return the funds to USDA? **[7 CFR Part 250.17(c)]**
 Yes _____ No _____

If not, please explain discrepancies and corrective action needed.

2. Did the SDA maintain records documenting the receipt and expenditures of funds? Review documentation to determine if all expenditures were allowable. **[7 CFR Part 250.17(c); 251.8(e)(1)]** Yes _____ No _____

If not, please explain discrepancies and corrective action needed.

3. Did the SDA obtain prior approval from the FNSRO for all deposits and expenditures over \$25,000 to/from the donated food account? **[7 CFR Part 250.17(c)]**
Yes _____ No _____

If not, please explain discrepancies and corrective action needed.

F. Audits

1. Does the SDA have procedures in place to ensure all ERAs are aware of audit requirements as prescribed in 2 CFR Part 200, Subpart F? **[7 CFR Part 250.20]**
Yes _____ No _____

If not, please explain corrective action needed to ensure compliance.

2. Does the SDA have a system to monitor the dollar value of USDA Foods and TEFAP administrative funds distributed to each ERA? Is this information provided to ERAs? **[7 CFR Part 250.20]** Yes _____ No _____

If not, please explain action needed to ensure compliance.

3. Describe the method used by the SDA to ensure that ERAs receiving more than \$750,000 in federal funding have met the audit requirement. **[7 CFR Part 250.20 and 2 CFR Part 200.331(f) and 200.501]**
4. Review all audits, if any, up to a sample of 5, received during the review period. Indicate significant findings related to TEFAP and the action taken to resolve these findings below.

5. Does the SDA have a system to monitor the implementation of corrective actions taken in response to an audit report with findings? [2 CFR Part 200.331(d) and 200.511]

Yes _____ No _____

If not, please explain corrective action needed to ensure compliance.

6. Are there any audits with outstanding food distribution findings/questioned costs?

Yes _____ No _____

If yes, is the SDA working to resolve the outstanding issues in a manner that ensures resolution? Yes _____ No _____

IV. PROGRAM MANAGEMENT INFORMATION

A. ERA Information

1. Does the SDA maintain a complete and accurate list of all ERAs that have an agreement with the State or with another ERA to distribute USDA Foods and receive TEFAP administrative funds? [[FD-123: Maintenance of Lists of Eligible Recipient Agencies \(ERA\) Participating in TEFAP](#)] Yes _____ No _____
2. What methods (e.g., training sessions, procedural manual, meetings, newsletters, web site) does the SDA employ to provide program information, policies and regulations to ERAs?
3. If the SDA for Schools is a separate agency from the TEFAP SDA, is there communication between them pertaining to transfers, storage issues, disaster preparedness and general food distribution matters? Yes _____ No _____

If so, indicate how this occurs.

B. State Plan

1. Record the date the last plan or amendment was approved.

2. Does the State Plan contain all of the following elements, required by Part 251.6(a)?
- a. Yes _____ No _____ Name of the State agency responsible for distributing TEFAP food and administrative funds
 - b. Yes _____ No _____ Address of the State agency
 - c. Yes _____ No _____ Plan to expeditiously distribute TEFAP foods
 - d. Yes _____ No _____ Description of the standards of eligibility for ERAs, including subpriorities within the two-tier priority system
 - e. Yes _____ No _____ Description of the household eligibility criteria established in accordance with Part 251.5(b)

If the State Plan is missing any of the above elements, please explain.

3. Based on the responses in Section II. C. 1, are the income eligibility guidelines specified in the State Plan being utilized? **[Part 251.5(b)]**
Yes _____ No _____

If not, please explain corrective action needed to ensure compliance.

4. Is the State Plan current? If not, indicate what amendments are needed.

V. DISTRIBUTION PROCEDURES FOR USDA FOODS

A. Food Ordering

1. Has the SDA rolled WBSCM down to any ERAs for local-level ordering?
Yes _____ No _____

If yes, is this working well? If not, does the SDA have plans to roll it down?
Describe any problems or concerns.

2. What process does the SDA use to determine the entitlement foods to order? [**Part 251.4(d)(1) and (2)**]
3. Does the SDA use a request-driven ordering system that provides recipient agencies, on at least an annual basis, with the opportunity to submit input in determining foods from the full list that are made available for ordering? [**Part 250.10(a)**]

If yes, is this working well? If not, does the SDA have plans to make changes?
Describe any problems or concerns.

4. Describe the process the SDA uses to decide the quantities to order on fair share or open order bonus surveys. [**Part 251.4(d)(1) and (2)**]

5. How does the SDA monitor its entitlement balance?

6. In the most recently completed fiscal year, what amount/percent of the SDA's entitlement was utilized?

7. Using the entitlement summary report pulled by the FNSNO from the Web Supply Chain Management system on October 1 of the previous fiscal year, did the State carry over 5% or more of its final food entitlement balance (i.e., the total entitlement balance received, after conversions) ? [**Part 251.4, TEFAP Agricultural Act of 2014 (Farm Bill) Implementation Memo, August 14, 2014**] Yes _____ No _____

If yes, please provide comments to explain any carryover balance of 5% or more.

B. USDA Foods Distribution and Allocation

1. Explain how the SDA allocates USDA Foods to ERAs. [**Part 251.4(h)**]
2. If the SDA provides TEFAP foods to first and second priority ERAs, describe its method for allocating limited foods to first and second priority organizations. [**Part 251.4(h)**]
3. How are ERAs selected? Does the State have any gaps in coverage?

C. USDA Foods Delivery

1. Describe the SDA's delivery system. Address whether USDA Foods are delivered to a central location, directly shipped to ERAs, or a combination of the two.
2. Do all entities that receive direct shipments (including warehouses and ERAs) electronically receipt for USDA Foods shipments in WBSCM within two calendar days of delivery using the WBSCM Shipment Receipt Function? [**FD-062: [Electronic Receipting for USDA Direct and Multi-Food Shipments](#)**]
Yes _____ No _____

If not, please explain.

3. To the extent possible, are USDA Foods directly shipped to ERAs that can accept at least ¼ truck? Yes _____ No _____ **[Part 250.13(a)]**

If not, please explain.

If centralized warehousing is used, check SDA delivery paperwork to determine if some ERAs could support direct shipments.

4. Describe the monitoring tools used by the SDA to ensure that no ERA receives USDA Foods in excess of anticipated use. **[Part 251.4(d)(2)]**

VI. INVENTORY CONTROL

A. Accountability Procedures

8. Does the SDA maintain an up-to-date perpetual inventory of USDA Foods in State-level storage? **[Part 250.12(b)]** Yes _____ No _____

If not, please explain actions needed to ensure compliance.

9. Compare records of receipt/distribution to the SDA's inventory records. Verify transactions and balances for a selected sample of three (3) USDA Foods. **[Part 250.12(b)]**

10. Does the SDA have a system in place to conduct physical inventories of storage facilities used by the SDA or a subdistributing agency and reconcile the physical and book inventories of the storage facilities annually? **[Part 250.12(b); [FD-058 Annual Physical Inventory-Reconciliation of Book Inventory to Physical Inventory](#)]**
Yes _____ No _____

If not, please describe action needed to ensure compliance.

11. Does the SDA ensure that TEFAP foods are stored separately from other foods and clearly marked in all warehouses?

12. Does the SDA have insurance to protect the value of donated foods at storage facilities equal to the average monthly value of donated food inventories at its storage facilities in the previous fiscal year? **[Part 250.12(d)]**

13. Does the SDA ensure that subdistributing agencies, recipient agencies with an agreement with the distributing or subdistributing agency, and commercial storage facilities under contract with the distributing agency have insurance to protect the value of their donated food inventories? **[Part 250.12(d)]**

B. Transfers/Redonations

1. Has the SDA properly approved transfers of USDA Foods between like ERAs? **[Part 250.14(d)]** Yes _____ No _____

If not, please explain discrepancy and corrective action needed.

2. Did the SDA obtain prior approval from the FNSRO for the transfer of USDA Foods between unlike recipient agencies (e.g., from schools to ERAs)? **[Part 250.14(d)]**
Yes _____ No _____

If not, please explain discrepancy and corrective action needed.

3. Are all transfers of USDA Foods properly recorded? **[Part 250.14(d), and 250.19(a) and (b)]**
Yes _____ No _____

If not, please explain discrepancy and corrective action needed.

C. USDA Foods Losses/Claims

[FNS Instruction 410-1, Rev. 2]

Review records maintained at the State level or at the FNSRO to document losses of USDA Foods and the claims assessed as a result of those losses. All losses and claims from within the review period (current fiscal year and the most recently completed fiscal year) must be reviewed, except for those losses and claims where there was no responsible party.

1. Has the SDA provided written procedures to ERAs on how to handle lost or damaged foods? **[Part 250.15(b)]** Yes _____ No _____

If not, please explain actions needed to ensure compliance.

2. Does the SDA maintain records of all losses, regardless of the dollar value?
Yes _____ No _____

If not, please explain.

3. Please list all reported losses with values in excess of \$500 that resulted from action of negligence by a specific party (other than the SDA) and indicate if a claim determination was completed within 30 days from the date of discovery of the loss or from the date that information was first received indicating that a loss had occurred.

[FNS Instruction 410-1, Rev. 2, Sections VI. A & C]

Description of Loss	Dollar Value	Claim Determination Completed Within 30 Days (Y/N)
1.		
2.		
3.		
4.		
5.		
6.		

4. If no losses are listed above, please indicate the reason for this (e.g. reported losses were not in excess of \$500, SDA did maintain appropriate records of losses).

5. In each case, indicate the how the value of USDA Foods was determined by checking the appropriate boxes. [**Part 250.58(e); [FNS Instruction 410-1, Rev. 2, Section VI. B](#)**]

Criteria	Loss 1 (Yes/No)	Loss 2 (Yes/No)	Loss 3 (Yes/No)	Loss 4 (Yes/No)	Loss 5 (Yes/No)	Loss 6 (Yes/No)
USDA purchase price (cost per pound)						
Estimated cost-per-pound data provided by USDA						
USDA List of Materials cost						

Was the SDA's method for determining the value of the USDA Foods loss applied consistently to all losses?

Yes _____ No _____

6. In each of losses described in Question 3, did the SDA maintain accurate and complete records on losses and claims? [**Part 250.19(a); [FNS Instruction 410-1, Rev. 2, Section III. A](#)**]

Criteria	Loss 1 (Yes/No)	Loss 2 (Yes/No)	Loss 3 (Yes/No)	Loss 4 (Yes/No)	Loss 5 (Yes/No)	Loss 6 (Yes/No)
Claims actions taken, including any justification supporting such actions						
Funds collected in claims						
Use of collected funds, including purchase of replacement foods						
Corrective actions taken by distributing or recipient agencies, storage facilities, or other entities, in accordance with Section X of FNS Instruction 410-1						

7. For losses reported in Question 3, did the SDA pursue further claim actions against the responsible parties? Yes _____ No _____

If not, explain the situation(s) in which the SDA did not pursue further claims actions against the responsible party and why.

8. In each case, did the written notification(s)/demand(s) for payment include the following required information? [[FNS Instruction 410-1, Rev. 2, Section VII. B](#)]

Criteria	Loss 1 (Yes/No)	Loss 2 (Yes/No)	Loss 3 (Yes/No)	Loss 4 (Yes/No)	Loss 5 (Yes/No)	Loss 6 (Yes/No)
A description of the loss						
The type(s) and quantity(s) of the USDA Foods lost						
The value of the loss						
The date, location and cause of the loss, if determined						
Evidence and documentation relating to the loss						
Evidence of theft, embezzlement, willful misapplication, or fraud, if applicable						
A formal demand that the responsible party make a payment to the SDA for the full value of the loss by a date not to exceed 30 days from the date of the notification/demand for payment						
No claims action pursued						

9. In each case, indicate follow-up actions taken by checking the appropriate boxes.

[FNS Instruction 410-1, Rev. 2, Section VII]

Criteria	Loss 1 (Yes/No)	Loss 2 (Yes/No)	Loss 3 (Yes/No)	Loss 4 (Yes/No)	Loss 5 (Yes/No)	Loss 6 (Yes/No)
Adjusted based on information provided by the responsible party						
Followed up with second notification/demand for payment within 60 days of original demand if payment/request for adjustment or other appeal not received after 30 days						
Forwarded to FNSRO upon receipt of a request to compromise, forgive, suspend or waive the claim or at the direction of the FNSRO						
No claims action pursued						

10. In each case, indicate the how the claim was resolved by checking the appropriate boxes.

[FNS Instruction 410-1, Rev. 2, Section IX]

Use	Loss 1	Loss 2	Loss 3	Loss 4	Loss 5	Loss 6
Replacement of foods						
Funds collected and used to pay administrative costs						
Funds collected and deposited in a salvage account						
No claim action pursued						

11. In each case, did the SDA ensure that corrective actions were taken by the responsible party to prevent future losses? [**Part 250.16(a)**; [FNS Instruction 410-1, Rev. 2, Section X. A](#)]

Yes _____ No _____

12. In each case, did the SDA include (or plan to include) a review of corrective actions taken in its next required on-site review of the responsible party? [[FNS Instruction 410-1, Rev. 2, Section X. B](#)]

Yes _____ No _____

13. If no to Questions 11 and/or 12 for any claim(s) above, please reference claim above and explain.

14. Have any losses occurred as a result of theft, embezzlement, willful misapplication, or fraud on the part of a recipient agency? Yes _____ No _____

If yes, did the SDA pursue further claim actions or forward the claim determination to the FNSRO for further action, regardless of the value of the loss? [[FNS Instruction 410-1, Rev. 2, Section VI. C](#)]

D. USDA Foods Complaints

1. Does the SDA have a system in place to inform recipient agencies of the preferred method of receiving complaints regarding donated foods? [**Part 250.15(d)**]

Yes _____ No _____

2. Describe the State agency's procedures for handling ERA complaints regarding USDA Foods. Are complaints regarding product quality or specifications, or suggested product improvements submitted to FNS through the WBSCM complaint system? Review all complaints submitted during the review period. [**Part 250.15(d)**]

3. Does the SDA maintain a record of its investigations and other actions with respect to complaints relating to donated foods? [**Part 250.15(d)**] Yes _____ No _____

4. Describe State agency procedures for the disposition of damaged or out-of-condition USDA Foods. How are the ERAs notified of these procedures? **[Part 250.15(a)]**

5. Do the State agency's procedures clearly indicate that donated foods that are the subject of a complaint may not be disposed of prior to guidance and authorization from FNS? **[Part 250.15(d)]**

E. Holds and Recalls

Complete the following chart by checking WBSCM. When setting up WBSCM users, the administrator indicates whether the user is a recall contact and/or has a recall role. Users identified as recall contacts must enter the devices, in order of preference, for recall notification. Users given the recall role will have access to the WBSCM recall response form, but are not required to enter devices. Identify type of recall device (e.g., work phone, work e-mail, cell phone) for each recall contact.

Name	Recall Function (Recall Specialist/ Recall Contact)	Recall Device 1	Recall Device 2	Recall Device 3

1. Has the SDA designated sufficient staff as recall contacts and assigned sufficient users the recall role in WBSCM? Yes _____ No _____

If not, please explain actions needed to ensure sufficient staff is included.

2. Has staff selected a combination of work/home devices to permit notification on evenings/weekends? If not, please explain reason.

3. Has the SDA been involved in a USDA Foods hold/recall during the review period? **[Part 250.15(c)]** Yes _____ No _____

If yes, what method of notification was used and how long did it take for the SDA to notify ERAs? Explain how all affected ERAs were notified. [\[Procedures for Recalls of USDA Foods\]](#)

- If yes, were there any issues with the information received by the SDA from USDA?
4. Describe the SDA's system for tracking the movement of USDA Foods within the State.

Does this system permit the SDA to quickly locate suspect food? [[Procedures for Recalls of USDA Foods](#)] Yes _____ No _____

If not, please explain discrepancy and corrective action needed.

5. Describe the information and/or training the SDA provided to ERAs regarding the USDA Foods hold and recall process. [**Part 250.10(b)(3); [Procedures for Recalls of USDA Foods](#)**] Please explain if additional efforts are needed in this area.

F. Food Safety and Food Defense

Has the SDA provided training/guidance to the ERAs regarding food safety and food defense? Yes _____ No _____

If not, please explain if additional efforts are needed in this area.

VII. DISASTERS

1. Is current SDA contact information on file at the FNSRO? Yes _____ No _____

If not, obtain updates as needed so information is current.

2. Is SDA staff familiar with State's Emergency Plan and/or has SDA made contact with the State's Emergency Management Office? Yes _____ No _____

If not, please explain if additional efforts are needed in this area. Recommend that SDA use *Emergency Management Contacts Template* found in the USDA Foods Program Disaster Manual, Attachment 9.

3. Does the SDA have a hardcopy of the *USDA Foods Program Disaster Manual* on file?

Yes _____ No _____

If not, instruct SDA to print manual and keep hard copy on file.

4. Are SDA staff designated with access to FPRS and ready to enter data into the FNS-292A report in FPRS should a disaster occur? Yes _____ No _____

If not, has the SDA worked out this responsibility with the FNSRO?

Yes _____ No _____

5. Were there any disasters during the review period? Yes _____ No _____

If yes, did the SDA properly complete the FNS-292A report and certify in FPRS or submit to the FNSRO within 45 days of termination of assistance? **[Part 250.69(f)]** This report is required if any USDA Foods are utilized even if reimbursement is not requested. Yes _____ No _____

VIII. RECORDS AND REPORTS

Review records maintained at the State and/or local level to document the receipt, disposal and inventory of USDA Foods. If available, a sample household data collection form should be obtained to complete this section. All records must be maintained for a period of three years from the close of the Federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress. [Part 251.10(a)(4)]

A. Record Keeping/Retention

1. Complete the chart below to identify the records the SDA maintains, and requires ERAs to maintain, to document the receipt, disposal and inventory of USDA Foods. **[Part 251.10(a), Part 250.19(a), Part 250.18(a), [FNS Instruction 410-1](#) and [FD-036: TEFAP – Local-Level Record Keeping and Reporting Requirements](#)]**

Records/Reports	SDA and ERAs that distribute to other ERAs (* required)	ERAs (* required)
Receipt	*	*
Disposal	*	
Inventory	*	
Food Losses/Claims	*	
Household Information (Household distribution sites only)		*
Transfers		

USDA Foods Complaints		
Program Complaints		
Other		

2. Are records maintained at the State and ERA level as required? Yes _____ No _____

If not, describe corrective action needed.

3. Has the SDA/ERAs purchased equipment in whole or in part with TEFAP funds? Yes _____ No _____

If yes, are property records maintained by the SDA/ERA in accordance with Part 200.313(d)(1) as appropriate?

4. Is a standard form in use Statewide to capture information listed below from each household receiving USDA Foods for home consumption? Yes _____ No _____

- a. the name of the household member receiving USDA Foods,
- b. the address of the household (to the extent practicable),
- c. the number of persons in the household, and
- d. the basis for determining that the household is eligible to receive USDA Foods for home consumption.

If not, how does the SDA ensure that sites distributing USDA Foods for home consumption collect this information? **[Part 251.10(a)(3)]**

5. How long does the SDA retain records and require ERAs to retain records? [**Part 250.19(b) and 251.10(a)(4)**]

B. Reporting

1. Does the State have any State-level warehouses? Yes _____ No _____
2. Using the chart below record the dates the semi-annual FNS-155, Inventory Management Register reports were received by the FNSRO and indicate if the reports were on time. [**Part 250.18(a)**]

Semi-Annual Report Period	FNSRO Due Date	Date Received	On Time? (Yes/No)
Example: January – June	July 30	July 20	Yes

If any reports were late, describe additional efforts needed in this area.

3. Review source documentation for the FNS-155 report. Does the SDA accurately calculate and report USDA Foods inventories in excess of a 6-month supply based on the formula on the FNS-155 and clarified through FD-128: Determining Inventory Levels of USDA Foods for Use in TEFAP and Inventory Reporting Requirements? Yes _____ No _____

Instructions: To identify excess inventories, by type of USDA Food, divide the accumulated State inventory balance at the end of the report month by the average quantity of that food distributed to the recipient and/or sub-distributing agencies during a typical month.

If not, please describe discrepancy and corrective action needed.

4. Does the SDA accurately calculate and report USDA Foods inventories for new or bonus products?

Instructions: To determine the months on-hand of a new or bonus food, the State should develop inventory estimates by averaging the usage of similar products typical month. State agencies that operate State-based programs that are similar to TEFAP may also opt to use the historical records from those programs to determine inventory levels for certain bonus foods or foods new to TEFAP.

Were any inventory levels in excess of a 6-month supply when the most recent FNS-155 report was submitted? [**Part 250.12(c); Part 250.18(a); Part 251.10(d)(2)**]

Yes _____ No _____

If yes, are excesses properly reported on the FNS-155 report, and did the SDA include plans to reduce the amount of inventory to bring it down to acceptable levels?

If not, please describe the discrepancy and the corrective actions needed.

5. When submitting the FNS-155, did the SDA note any products that have been in the warehouse since the prior submission of the report? Yes _____ No _____

If yes, please describe and note corrective actions taken by the SDA to ensure that the USDA Food(s) are distributed in a timely manner?

IX. MONITORING AND REVIEWS

In accordance with Part 251.10(e), SDAs are required to monitor the operation of TEFAP to ensure that it is being administered in accordance with Federal and State requirements. SDAs may not delegate this responsibility. Unless exceptions are approved in writing by FNS, SDAs must conduct an annual review of:

- *At least 25 percent of all ERAs which have a signed TEFAP agreement with the SDA, with each such agency to be reviewed at least once every four years; and*
- *One-tenth or 20, whichever is fewer, of all ERAs which receive TEFAP foods and/or funds pursuant to an agreement with another ERA.*

In accordance with Part 250.21(b)) SDAs are required to review all storage facilities at the distributing agency or subdistributing agency level annually.

A. ERA Reviews

1. Describe the process the SDA uses to determine which ERAs that operate under an agreement with another ERA they will monitor each year. Per FD-124: Determining Local Agency Reviews, SDAs are encouraged to use a two-fold approach including a risk-based assessment and a random sample of all ERAs. SDAs should choose at least half of the reviews based on the risk-based approach. Risk factors may include, but are not limited to value of USDA Foods or amount of administrative funds received, history of complaints and/or program violations, length of time operating TEFAP, length of time since last review, and known turnover of ERA director and/or key staff. All ERAs not selected for review should be subject to selection in a random sample for that year, and to the extent possible, State agencies should attempt to review a different sample of ERAs during each review cycle.

2. Complete the following chart for the most recently completed fiscal year:

Type of ERA	Number of ERAs	Number of Reviews Required	Number of Reviews Conducted	Requirement Met? (Yes/No)	Name(s) of State Reviewers Conducting Reviews
Under agreement with SDA		(25%, with each ERA every 4 yrs.)			
Under agreement with another ERA		(1/10 or 20, whichever is less)			

3. If State reviewers are not listed above, please explain.

4. Did SDA staff conduct each of the reviews? Per 251.2(d)(2)(i), State agencies may not delegate this function. Yes _____ No _____

5. Did the SDA conduct the minimum number of reviews required?
Yes _____ No _____

If not, was a waiver received from the FNSRO or were reviews conducted by FNS that could be included in the total number of reviews required? **[Part 251.10(e)(2) and (4)]** Please explain any corrective actions needed.

6. Describe the process or mechanism the SDA uses to ensure that the review requirements are met.

7. Discuss the review process and obtain a copy of the SDA's review form. Do reviews encompass, as applicable, the following? **[Part 251.10(e)(3)]**
- a. Yes _____ No _____ eligibility determinations **[Part 251.5(b)]**
 - b. Yes _____ No _____ food ordering procedures
 - c. Yes _____ No _____ storage and warehousing practices **[Part 250.12(a)]**
 - d. Yes _____ No _____ inventory management **[Part 250.12(b)]**
 - e. Yes _____ No _____ inventory limitations **[Part 250.12(b)]**
 - f. Yes _____ No _____ approval of distribution sites **[Part 251.5(a), Policy Memorandum FD-118]**
 - g. Yes _____ No _____ reporting and recordkeeping requirements **[Part 251.10(a)(3) and (4)]**
 - h. Yes _____ No _____ civil rights **[251.10(c); FNS Instruction 113-1, and Departmental Regulation 4300-3]**
 - i. Yes _____ No _____ [for religious organizations] written notice and referral requirements **[7 CFR Part 16.4, [FD-138: Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP and CSFP Benefits from Religious Organizations](#)]**

If not, describe discrepancies and corrective action needed.

8. Review documentation from at least 10% of the reviews completed during the review period. If deficiencies were disclosed through the review, did the SDA submit a report of the review findings to the ERA and ensure that corrective action was taken to eliminate the deficiencies identified? **[Part 251.10(e)(5)]** Yes _____ No _____

If not, please explain discrepancy and corrective action needed.

9. Has the SDA been able to conduct food pantry reviews during distributions and soup kitchen reviews during meal service to review actual operations? Yes _____ No _____

If not, please explain.

10. Where identified deficiencies warrant such actions, does the SDA perform follow-up visits? Yes _____ No _____

If not, describe discrepancies and corrective action needed.

11. Has the SDA advised ERAs of the limitation on unrelated activities? **[Part 251.10(f)]**
Yes _____ No _____

12. Is the SDA aware of any instance in which a distribution site improperly conducted activities unrelated to the distribution of TEFAP foods or meal service?
Yes _____ No _____

If yes, how was this resolved?

13. Has the SDA advised ERAs of the responsibilities of religious organizations participating in USDA funded programs and services, including the written notice and referral requirements and the requirement to separate in time or location any explicitly religious activities from USDA funded programs or services? **[7 CFR Part 16.4]** Yes _____ No _____

6. Does the SDA ensure that ERAs provide prompt referrals to alternate providers, if available, for beneficiaries or prospective beneficiaries that object to the religious character of an organization that provides TEFAP? Yes _____ No _____
 - a. In the event that ERAs are unable to identify alternate providers, does the SDA ensure that alternate providers are identified, if available, for beneficiaries or prospective beneficiaries that object to the religious character of an organization that provides TEFAP? Yes _____ No _____

B. Storage Facility Review

1. Did the SDA procure the services of the storage facility in compliance with procurement requirements in 2 CFR part 200.317-326, and USDA implementing regulations at 2 CFR parts 400 and 416? [**Part 250.12(f)**]
2. Yes _____ No _____
3. Does the SDA conduct an annual review of its contracted storage facility or facilities, including subdistributing agency level facilities? [**250.21(b)(2)**]

If yes:

- What was the date of the last review?
 - Was a physical inventory taken and reconciled to inventory records during this review? [**Part 250.12(b); [FD-058: Annual Physical Inventory-Reconciliation of Book Inventory to Physical Inventory](#)**]
Yes _____ No _____
 - If shortages were noted during the reconciliation, was claims action pursued by the SDA? Yes _____ No _____
4. If the SDA contracts for State-level storage, obtain a copy of the SDA's storage facility review form. Is the SDA's review of storage facilities comprehensive enough to determine compliance with **Part 250.12(a)** as listed below?
 - a. Yes _____ No _____ the donated foods are maintained in sanitary conditions?
Note: sanitary conditions mean that the facility is free from rodent, bird, insect, and other animal infestations, foods are stored off the floor, and chemicals and cleaning solutions are stored away from food.
 - b. Yes _____ No _____ the facility is safeguarded against theft, spoilage, damage, or other loss?
 - c. Yes _____ No _____ foods are maintained at proper storage temperature and humidity?

- d. Yes _____ No _____ USDA Foods are stored in a manner that permits adequate air circulation?
 - e. Yes _____ No _____ the storage facility complies with all Federal, State, or local requirements relative to food safety and health and procedures for responding to a food recall?
 - f. Yes _____ No _____ the warehouse has a current health inspection approval?
 - g. Yes _____ No _____ the warehouse uses the FIFO stock rotation and takes into account pack dates? [[FD-107: Storage and Inventory Management of USDA Donated Foods](#)]
 - h. Yes _____ No _____ foods are stored in a manner that permits them to be distinguished from other foods [**7 CFR Part 250.12(b)**]?
5. Is documentation on file to reflect the SDA's compliance with the storage facility review requirement? Yes _____ No _____
If not, please explain and corrective action needed. Review all, up to a sample of 3 reviews. [**Part 250.21(c) and 250.19(b)**]

C. Corrective Action

1. Does the SDA submit a report of review findings to each entity reviewed? **[Part 250.21(c)]** Yes _____ No _____ If not, please explain why not and corrective action needed.

2. Does the report address each deficiency found and recommendations for corrective action, including timetables (if any)? Yes _____ No _____ If not, please explain why not and corrective action needed.

X. CIVIL RIGHTS

Review and evaluate the SDA's compliance program and documentation to determine compliance with the requirements of applicable federal laws and regulation as outlined in FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities.

Please begin the review by ascertaining where in the organization the responsibility for civil rights compliance lies, including the contact information for the Section 504 and Title IX coordination.

A. Civil Rights Assurances

[FNS Instruction 113-1, Section X; Food Distribution Appendix C (F)]

1. Is the civil rights assurance language incorporated into the State agency's written agreements with ERAs, as outlined in FNS Instruction 113-1, Appendix C? If possible, attach copy. Yes _____ No _____
2. How does the State agency ensure that the civil rights assurance language is incorporated into ERAs agreements with other ERAs, as outlined in FNS Instruction 113-1, Appendix C?

B. Public Notification

[FNS Instruction 113-1, Section IX)

1. Describe the SDA efforts to inform applicants, participants, potentially eligible persons, community leaders, and grassroots organizations of the availability of the Program, program rights and responsibilities, the program's policy of nondiscrimination, and the procedure for filing a Civil Rights complaint of discrimination directly at the federal level.
2. Review published materials, at SDA level and ERA level, as available, for the current nondiscrimination statement. Review media releases for nondiscrimination statement and complaint procedures. Attach copies if possible.

3. Explain how the SDA monitors ERAs' inclusion of the nondiscrimination statement on all materials and sources (including websites) that discuss FNS funded programs.
4. Explain how the SDA ensures that ERAs convey the message of equal opportunity through graphics and photographs. Attach examples if possible.
5. Explain what alternative formats (i.e. Braille, large print, audio) the SDA and ERAs have for providing information to people with visual disabilities.
6. Describe SDA guidance for local entities on displaying the "And Justice for All" posters in a highly visible area.

C. Limited English Proficiency (LEP)
[\[FNS Instruction 113-1, Section VII\]](#)

1. How does the SDA assess the most frequently encountered languages spoken by persons with LEP? How does the SDA notify the public that it provides free axillary aids and services and how to request such services and the name and contact information of the Section 504/ADA Coordinator?
2. How does the SDA determine when non-English/bilingual services are necessary?
3. Does the SDA provide appropriate information, including web-based information, in appropriate language(s) for people with LEP? Identify materials and forms that are available in languages other than English. Attach copies if possible.

4. Review SDA guidance and training to local entities on how to serve LEP clients. Attach copy if possible.

5. Are there bilingual employees available at the State level? For what languages?

6. Identify any language line or other contracts that the SDA or local agencies use for obtaining interpretive services when needed.

D. Training

[FNS Instruction 113-1, Section XI; FD-113: Civil Rights Training Requirements for Volunteers]

1. Evaluate civil rights training that the SDA has provided to its staff.
 - a. Provide date(s) of most recent civil rights training, topics covered, and sign-in sheets (if available).

 - b. Has all staff received civil rights training during the period under review?
Yes _____ No _____

If not, describe actions necessary for compliance.

 - c. Did State agency staff receive training in each of the following topics identified in FNS Instruction 113-1?
 - i. Yes _____ No _____ Collection and use of data

 - ii. Yes _____ No _____ Effective public notification systems

 - iii. Yes _____ No _____ Complaint procedures

- iv. Yes _____ No _____ Compliance review techniques
- v. Yes _____ No _____ Resolution of noncompliance
- vi. Yes _____ No _____ Requirements for reasonable accommodation of persons with disabilities
- vii. Yes _____ No _____ Requirements for language assistance
- viii. Yes _____ No _____ Conflict resolution
- ix. Yes _____ No _____ Customer service

2. Evaluate civil rights training that the SDA conducted for ERAs.

- a. Provide date(s) of most recent civil rights training.

- b. Does training include each of the following topics identified in FNS Instruction 113-1?

- i. Yes _____ No _____ Collection and use of data
- ii. Yes _____ No _____ Effective public notification systems
- iii. Yes _____ No _____ Complaint procedures
- iv. Yes _____ No _____ Compliance review techniques
- v. Yes _____ No _____ Resolution of noncompliance
- vi. Yes _____ No _____ Requirements for reasonable accommodation of persons with disabilities
- vii. Yes _____ No _____ Requirements for language assistance
- viii. Yes _____ No _____ Conflict resolution
- ix. Yes _____ No _____ Customer service

3. Explain how the SDA ensures that new SDA and ERA employees receive appropriate civil rights training.

Routine

1. Describe the SDA's system for scheduling routine (post-award) compliance reviews. Does the schedule comply with frequency requirements outlined in Instruction 113-1 Appendix C?

2. Do the instruments include assessments in the areas of public notification, training, monitoring, data collection and maintenance, complaint processing, disability accommodations, and LEP? Attach instrument used if possible.

3. Note how many reviews were conducted over the past year. Review a random sample to ascertain that the reports are comprehensive and sufficiently documented.

4. If required, has corrective action been completed within prescribed time frames? If not, have the deficiencies been referred to the Civil Rights Division?

5. Determine if Title IX and Section 504 self-evaluations are on file, if applicable (new programs only). If none are on file, how does the SDA ensure that buildings and facilities are fully accessible?

6. Describe the SDA's guidance to local entities about accommodating the needs of persons with disabilities and LEP applicants.

F. Civil Rights Complaint Procedures

[FNS Instruction 113-1, Sections XV, XVI, XVII]

1. Describe the SDA's procedure for handling discrimination complaints.

2. Describe how the State instructs ERAs to inform applicants and participants of civil rights complaint procedures.

3. Have civil rights complaints been forwarded to FNS in a timely manner?

4. Has the SDA received any civil rights complaints during the period under review?
Yes _____ No _____

If yes, were all civil rights complaints accepted, acted upon, and resolved in a timely manner in accordance with FNS Instruction 113-1? Attach the complaint log, or describe the complaints. Are Civil Rights complaints maintained in a complaint log separate from program complaints?

5. Do complaints reveal any trends in terms of protected classes or reveal any trends in terms of ERAs against which complaints have been filed? Yes _____ No _____

If yes, what were the trends identified and what corrective actions were taken?

G. Equal Opportunity for Faith-Based Organizations and Community-Based Organizations (FBO/CBOs)

[FNS Instruction 113-1, Section VIII]

1. Describe the types of program activities that involve FBO/CBOs.

2. Describe any outreach conducted to FBO/CBOs to educate them about rules and opportunities for participation in FNS programs. If possible, attach copies.

3. Describe how the SDA ensures that FNS funds do not support explicitly religious activities including activities that involve overt religious content such as worship, religious instruction, or proselytization. **[7 CFR Part 16]**

WORKSHEET #1 SDA/STORAGE FACILITY OR CARRIER CONTRACT

Storage Facility or Carrier Name/Address: _____

Reg Citation	Requirement	Included?
250.12(f)	An effective date of no longer than five years, including any option years, extensions, or renewals. Contract reviewed is in year ____ of _____.	
250.12(f)(1)	A provision that assures storage, management, and transportation of donated foods in a manner that properly safeguards them against theft, spoilage, damage, or other loss in accordance with the standards specified in 250.12(a) and (b) as detailed below: <ul style="list-style-type: none"> • maintain foods in sanitary conditions • maintain foods at proper storage temperature, humidity, and with adequate air circulation; 	
250.12(f)(2)	A provision that assures compliance with all Federal, State, or local requirements relative to food safety and health, including required health inspections, and procedures for responding to a food recall.	
250.12(f)(3)	A provision that assures storage of donated foods in a manner that distinguishes them from other foods, and assures separate inventory recordkeeping of donated foods.	
250.12(f)(4)	A provision that assures distribution of donated foods to eligible recipient agencies in a timely manner, in optimal condition, and in amounts for which such recipient agencies are eligible.	
250.12(f)(5)	The amount of insurance coverage obtained to protect the value of donated foods.	
250.12(f)(6)	A provision that permits the performance of on-site reviews of the storage facility by the distributing agency, the Comptroller General, the Department of Agriculture, or any of its duly authorized representatives, in order to determine compliance with requirements in this part.	
250.12(f)(7)	Beginning and ending dates of the contract.	

Reg Citation	Requirement	Included?
	Start Date: _____ End Date: _____	
250.12(f)(7)	A provision that provides for extension or renewal of the contract only upon fulfillment of all contract provisions.	
250.12(f)(8), 2 CFR Part 200, Appendix II(B)	A provision that provides for expeditious termination of the contract by the distributing agency for noncompliance with its provisions including the manner by which it will be effected and the basis for settlement.	
250.12(f)(9)	A provision that provides for termination of the contract by either party for other cause, after written notification of such intent at least 60 days prior to the effective date of such action.	
2 CFR Part 200, Appendix II(A)	Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate [Contracts for more than the simplified acquisition threshold currently set at \$150,000].	
2 CFR Part 200, Appendix II	A provision that provides for all applicable requirements listed under OMB Uniform Guidance at 2 CFR Part 200, Appendix II.	

Before the exercise of option years, extensions, or renewals, the storage facility or carrier should update all pertinent information and demonstrate that the storage facility or carrier has accounted for all USDA Foods received during the previous contract period.

NOTES:

WORKSHEET #2 SDA/ERA AGREEMENT

Reg Citation	Requirement	Included?
251.2(c)(2)	A statement that the agreement is considered permanent, with amendments to be made as necessary.	
251.2(c)(2)	Specific language allowing that the agreement may be terminated by either party upon 30 days written notice.	
251.2(d)(1)(i), 250.4(c)(1)	Assurance that the ERA agrees to operate the program in compliance with the requirements of 7 CFR Part 251, 7 CFR Part 250, other regulations and policies referenced in 7 CFR Part 250 and Part 251, the State plan and with the SDA's written agreement with FNS.	
251.2(d)(1)(ii)	The name and address of the ERA receiving USDA Foods and/or administrative funds under the agreement.	
250.4(c)(2)	Assurance that the ERA agrees to comply with all requirements relating to food safety and food recalls.	
250.4(c)(4)	Language permitting the termination of the agreement by the distributing agency for failure of the ERA to comply with its provisions or applicable requirements, upon written notification to the applicable party.	
251.2(d)(2)	<p>The following information must also be identified, either in the agreement or in other documents incorporated by reference in the agreement:</p> <ul style="list-style-type: none"> • If the SDA delegates the responsibility for any aspect of the program to an ERA, each function for which the ERA will be held responsible; • If the receiving ERA is to be allowed to further distribute TEFAP foods and/or administrative funds to other ERAs, the specific terms and conditions for doing so, including, if applicable, a list of specific organizations or types of organizations eligible to receive foods or administrative funds; and • If the use of administrative funds is restricted to certain types of expenses, the specific types of administrative expenses ERAs are permitted to incur. • Any other conditions set forth by the State agency. 	

<p>FNS Instruction 113-1, Appendix C, Section F</p>	<p>The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.</p>	
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We recommend that SDA/ERA agreements also include the following claims provisions:

- The ERA is responsible to the SDA for any improper distribution or use of USDA Foods or for any loss of, or damage to, USDA Foods caused by its fault or negligence;
- The ERA has a right to assert claims against other persons to whom USDA Foods are delivered for care, handling and distribution; and
- The ERA will take action to obtain restitution in connection with claims for improper distribution, use or loss of, or damage to, USDA Foods.

WORKSHEET #3 ERA/ERA AGREEMENT

Reg Citation	Requirement	Included?
251.2(c)(2)	A statement that the agreement is considered permanent, with amendments to be made as necessary.	
251.2(c)(2)	Specific language stating that the agreement may be terminated by either party upon 30 days' written notice.	
251.2(d)(1)(i)	Assurance that the ERA agrees to operate the program in accordance with the requirements of Part 251, and, as applicable, Part 250.	
251.2(d)(1)(ii)	The name and address of the ERA receiving USDA Foods and/or administrative funds under the agreement.	
251.2(d)(2)	<p>The following information must also be identified, either in the agreement or in other documents incorporated by reference in the agreement:</p> <ul style="list-style-type: none"> • If the receiving ERA is to be allowed to further distribute TEFAP foods and/or administrative funds to other ERAs, the specific terms and conditions for doing so, including, if applicable, a list of specific organizations or types of organizations eligible to receive foods or administrative funds; and • If the use of administrative funds is restricted to certain types of expenses, the specific types of administrative expenses ERAs are permitted to incur. • Any other conditions set forth by the State agency. 	
FNS Instruction 113-1, Appendix C, Section F	The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person	

	<p>shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.</p>	
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