



Policies and Procedures Manual

The Emergency Food Assistance Program (TEFAP)

Revision 2

6/8/21

TEFAP

Food and Nutrition Division

TEFAP Policies and Procedures Manual

Food and Nutrition Division



Page Contents

3	Section 1 – How to Use this Manual
4	Section 2 – Program Description and History
5	Section 3 – Definition of Terms and Acronyms
10	Section 4 – Allocations and Transfers of TEFAP USDA Donated Foods
12	Section 5 – Eligibility Criteria for Regional Contracted Distributing Agency (RDA), Sub-Distributing Agency (SDA), and Local Distributing Agency (LDA)
14	Section 6 – Contracts and Agreements
16	Section 7 – Eligibility Criteria for Recipients
20	Section 8 – Distribution Guidelines and Procedures
26	Section 9 – USDA Food Ordering and Receiving
31	Section 10 – Receiving Local Donations into TEFAP
31	Section 11 – Storage of TEFAP Commodities
34	Section 12 – Inventory
35	Section 13 – USDA Donated Food Losses, Spoilage, and Out-of-Condition
36	Section 14 – Disposal Rules and Procedures
36	Section 15 – Records and Reports
37	Section 16 – Compliance Monitoring, Accountability and Training
40	Section 17 – TEFAP Funding Usage and Accounting
42	Section 18 – Complaints
43	Section 19 – Farm to Food Bank
45	APPENDIX

NDA is an equal opportunity provider

405 South 21st St.
Sparks, NV 89431

2300 East St. Louis Ave.
Las Vegas, NV 89104

4780 East Idaho St.
Elko, NV 89801

Section 1 – How to Use this Manual

The Nevada Department of Agriculture (NDA), Food and Nutrition Division (FND) has been designated as the agency for the State of Nevada to administer The Emergency Food Assistance Program (TEFAP) for the United States Department of Agriculture (USDA). This Policies and Procedures Manual for TEFAP is intended for use by eligible recipient agencies (ERAs) that participate in the distribution of USDA donated foods to program-eligible recipients. The purpose of this manual is to serve as a guide to Federal regulations pertaining to TEFAP, as well as to outline discretionary State policies and procedures for the program implementation by ERAs.

Several resources contributed to the content of this manual. The Code of Federal Regulations (7 CFR Parts 250 & 251) outlines the Federal government program requirements for TEFAP. 7 CFR Part 251, The Emergency Food Assistance Program (TEFAP) is the Federal government primary guidance outlining the program. 7 CFR Part 250, Donation of Foods for Use in the United States, its Territories and Possessions and Areas under its Jurisdiction provides general operating provision for all donated foods obtained from USDA. A recent final ruling to revisions of the 7 CFR Parts 250 & 251, reflects a trend toward simplification of the program and an increase in discretionary policy at the State level. Additional information and clarification is provided through USDA's Policy Memos. Throughout this manual, parenthetical notations are provided for all references to Federal regulation.

This Policies and Procedures Manual should be considered a living document, meaning that the manual contains current TEFAP program policies and procedures required by the Federal government and NDA. NDA may clarify or add policies and procedures as situations in the field prompt the need for further interpretation or greater program structure, or if changes in Federal regulations occur. In keeping with the Federal trend toward simplification and flexibility, this manual, in some instances, provides the spirit of certain policies and procedures, rather than the letter of the law, to provide discretion at the local level. Our primary mission is to distribute TEFAP USDA donated foods to the agencies and households who are in need of food assistance and treat our customers with dignity and respect.

It is the responsibility of eligible recipient agencies (ERAs) to:

- Read this manual carefully and apply the policies and procedures herein with good judgment.
- Stay current with subsequent Department policy and information notices issued after the creation of this manual and adhere to the policies and procedures therein;
- Contact the FND TEFAP Specialist when further clarification is needed.

In closing, the Food and Nutrition Division is here to collaborate in your efforts to effectively and efficiently distribute USDA commodities to program eligible individuals and households. The information, policies and procedures in this Procedures Manual apply to the administration,

NDA is an equal opportunity provider

handling, storage, distribution, etc. of all TEFAP USDA donated foods allocated and/or received in the state, whether as part of the state's allocation/entitlement, or bonus.

Section 2 – Program Description and History

2.1-Description:

TEFAP provides low-income individuals and households with surplus commodities donated by USDA. NDA enters into agreements with eligible recipient agencies (ERA) to serve as a distribution network for TEFAP. TEFAP is designed to supplement the nutritional needs of program-eligible individuals and households. Program-eligible recipients may receive food through congregate feeding sites where food is prepared and meals are served in a group setting, or through distribution sites where food is distributed for household consumption.

2.2-History

Federal:

TEFAP was founded in 1981 due to the large surpluses of dairy products accumulated by the USDA. By late 1981, the USDA had approximately 560 million pounds of surplus cheese on hand. President Ronald Reagan authorized USDA to provide surplus cheese to low-income people by offering it to the states for distribution to needy persons through food banks. In March 1983, Congress authorized The Emergency Food Assistance Program in the Jobs Bill and provided states with administrative funds to manage and distribute the commodities.

As a result of changes in farm policies, a better balance of supply and demand had also been achieved, and USDA was no longer purchasing large quantities of food under its price support system. The program has been providing USDA donated food to people in need ever since, as a supplement to other assistance provided at the local level.

Funding for TEFAP was merged with Soup Kitchen/Food Bank programs, and regulations were drafted to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as Welfare Reform. TEFAP now operates under revised federal regulations that became effective February 28, 2000.

State:

As of July 1, 2013, the Nevada Department of Agriculture is responsible for TEFAP administration. Nevada will contract with an agency in northern and southern Nevada to manage the TEFAP program by training, monitoring sub recipient agencies and ordering, receiving, storing and distributing TEFAP products.

NDA is an equal opportunity provider

Section 3 – Definition of Terms and Acronyms

Charitable Institution	An organization which: <ul style="list-style-type: none">• Is public, or private, possessing tax-exempt status; and• Is not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and• Provides food assistance to needy persons (7 CFR 251.3)
Demurrage	A penalty charge assessed for product delayed beyond a specified free time.
Disaster	Any natural catastrophe which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused. Any other occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe (7 CFR 250.2).
Disaster Organizations	Organizations authorized by appropriate Federal or State officials to assist disaster victims (7 CFR 250.2).
Distributing Agency	State agency selected by the Governor of the State or State legislature to distribute donated foods in the State, in accordance with an agreement with FNS. A distributing agency may also be referred to as a State distributing agency. (7 CFR 250.2)
Distribution site	Locations(s) where eligible recipient agencies distribute commodities to needy persons for household consumption or serve prepared meals to needy persons (7 CFR 251.3).

NDA is an equal opportunity provider

Eligible Persons Persons who because of their economic status, are in need of food assistance (7 CFR 250.2).

Eligible Recipient Agency (ERA) An organization which:

- Is public, or
- Is private, possessing tax-exempt status pursuant to 7 CFR251.5(a)(3), and
- Is not a penal institution,
- Provides food assistance exclusively to needy persons for household consumption, pursuant to a means test, or predominantly to needy persons in the form of prepared meals, or
- Has entered into an agreement with the State for the receipt of TEFAP USDA donated foods and/or administrative funds, or receives USDA donated foods and/or administrative funds under an agreement with another ERA which has signed an agreement with the State, and
- Fall into one of the following categories: Emergency Feeding Organizations (food banks, food pantries, soup kitchens); charitable institutions (hospitals, retirement homes); summer camps for children or child nutrition programs providing food service; nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly); and disaster relief programs (7 CFR 251.3)

Emergency Feeding Organization (EFO) An ERA that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. EFOs have priority over other ERAs in the distribution of TEFAP USDA donated foods (7 CFR 251.3). The category of EFO excludes such agencies as hospitals, retirement homes, group homes, child and elderly nutrition programs, etc. EFOs do include food banks, food pantries, and soup kitchens. Since there does not exist enough food to meet the needs of all ERAs under the general category, the distinction between ERAs and EFOs and the two-tier priority system were developed to prioritize those most in need.

NDA is an equal opportunity provider

TEFAP Policies and Procedures Manual

Food and Nutrition Division



Entitlement	The value of donated foods a distributing agency is authorized to receive in a specific program. (7 CFR 250.2)
Entitlement Foods	Donated foods that USDA purchases and provides in accordance with levels of assistance mandated by program legislation. (7 CFR 250.2)
Fiscal Year	The period of 12 months beginning October 1 of any calendar year and ending September 30 of the following year (7 CFR 250.2).
Food bank	A public or charitable institution that maintains an established operation involving the provision of food, or the products of food, 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 (7 CFR 251.3).
Food pantry	A public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than USDA, to relieve situations of emergency and distress (7 CFR 251.3).
Household	A group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit, and for whom food is customarily purchased and prepared in common. It also means a single individual living alone (7 CFR 250.2).
In-kind replacement	Replacement of lost USDA donated foods with a quantity of the same foods of U.S. origin that are of equal or better quality than the lost foods, and that are of at least equal monetary value to USDA's cost of replacing the lost foods (7 CFR 250.2).
Local Distributing Agency (LDA)	An eligible recipient agency (food pantry, soup kitchen, etc.) that has entered into an agreement with a Regional Distributing Agency to receive TEFAP USDA donated food to distribute in a designated service area, and to

NDA is an equal opportunity provider

405 South 21st St.
Sparks, NV 89431

2300 East St. Louis Ave.
Las Vegas, NV 89104

4780 East Idaho St.
Elko, NV 89801

	which no administrative dollars are provided.
Mass Distribution	Periodic/non-routine distribution of TEFAP USDA donated food into neighborhoods to help meet the needs of low- income families and individuals living in at-risk communities.
Network	Permanent/consistent distribution points for food to individuals in need, with a specified time and place for distribution for consistency.
Recipients	The needy persons receiving USDA donated food for household consumption (7 CFR 250.2).
Regional Distributing Agency (RDA)	An eligible recipient agency that has entered into a contract with the State for the receipt and distribution of TEFAP USDA donated foods in a designated area, as well as for the receipt of administrative funds.
Sales Order (SO)	A State order number for a specific USDA donated food, designating quantity, delivery period and destination.
Similar replacement	Replacement of lost TEFAP USDA donated foods with another type of food from the same food category that is of U.S. origin, of equal or better quality, and of at least equal value to the lost donated foods (7 CFR 250.2).
Slip Sheet	A piece of cardboard used in place of a pallet to handle unitized commodities, which is floor loaded with a push/pull attachment.
Soup Kitchen	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 persons on a regular basis.
State Agency	The State government unit designated by the Governor or other appropriate State executive authority, which has an agreement with USDA. In the State of Nevada, the Nevada Department of Agriculture is the designated state agency.

NDA is an equal opportunity provider

TEFAP Policies and Procedures Manual

Food and Nutrition Division



Sub-Distributing Agency (SDA)	An eligible recipient agency that has entered into an agreement with a Regional Distributing Agency to receive TEFAP USDA donated food and administrative funds for a designated service area.
TEFAP	The Emergency Food Assistance Program (7 CFR 250.2)
USDA Foods	Donated foods (7 CFR 250.2)
Web Based Supply Chain Management (WBSCM)	An integrated Internet-based USDA foods acquisition, distribution, and tracking system.

Acronyms

NDA – Nevada Department of Agriculture
FND – Food and Nutrition Division
RDA – Regional Distributing Agency
FFY – Federal Fiscal Year
PO # – Purchase Order Number + Line Item Number
SO # – Sales Order Number
DS – Distribution Site
TEFAP – The Emergency Food Assistance Program
EFO – Emergency Feeding Organization
ERA – Eligible Recipient Agency
FNS – Food and Nutrition Service of USDA
FNSRO – Food and Nutrition Service Regional Office
SDA – Sub-Distributing Agency
LDA – Local Distributing Agency
N/D – Notice to Deliver
NPO – Non-Profit Organization
TANF – Temporary Aid to Needy Families
USDA – United States Department of Agriculture
SNAP – Supplemental Nutrition Assistance Program
WBSCM – Web Based Supply Chain Management
MDR – Monthly Distribution Report
MIPR – Monthly Inventory & Participation Report
FLR – Foods Loss Report
LDS – List of Distribution Sites
BIUB – Best if used by

NDA is an equal opportunity provider

405 South 21st St.
Sparks, NV 89431

2300 East St. Louis Ave.
Las Vegas, NV 89104

4780 East Idaho St.
Elko, NV 89801

Section 4 – Allocations and Transfers of TEFAP USDA Donated Foods

4.1-USDA Funding Formula Applied to States:

The amount of funding provided to each State is based 60 percent on the number of persons in households within the State having incomes below the Federal poverty level and 40 percent on the number of unemployed persons within the State (7 CFR 251.3).

When a TEFAP USDA donated food is available in limited quantities, USDA will allocate such food among the States using allocation percentages, which are based on appropriate participation data for the program designated to receive the USDA Donated Foods.

4.2-NDA Funding Formula Applied to Regional Distributing Agency Regions:

Donated foods must be distributed only to RDAs that are eligible to receive them. Administrative funding will be provided at the beginning of each FY and are contingent on federal funding. TEFAP foods entitlement and administrative funds will be determined by NDA using a funding formula allocation-based 40 percent of the RDA service area's unemployment level and 60 percent of the RDA service area's poverty level.

NDA provides each RDA with their annual USDA entitlement funds at the beginning of each FY and are contingent on federal funding. RDAs are provided the opportunity to use their annual allocated funds according to their need; however, the NDA recommends quarterly requisitions be used to ensure commodities purchases are spread throughout the year.

4.3-RDAs Allocation to SDAs and LDAs in the Region:

RDAs, in which NDA has given delegation of authority to select distribution sites, must ensure that they distribute USDA donated foods to their SDAs and LDAs in accordance with the requirements of the two-tier priority system. RDAs must distribute USDA donated foods to SDAs and LDAs that are EFOs first (i.e., organizations such as food banks, food pantries, and soup kitchens, etc., which provide nutrition assistance to relieve situations of emergency and distress of needy persons) (7 CFR 251.4).

RDAs are required to provide fair shares of USDA donated foods, by type and quantity of item received, to SDAs and LDAs. RDAs must maintain records to demonstrate that over time there is equity in issuance of USDA TEFAP foods among all sites.

There is not one specific method to allocate TEFAP foods or administrative funds to the Regions' counties. Each Region is better equipped to identify the needs of the community and allocate food accordingly.

NDA requires RDAs receiving TEFAP USDA donated foods to not distribute such food to ERAs or recipients whose expenditures for food are reduced due to receipt of USDA donated foods (7 CFR 250.13). This means that RDAs, SDAs and LDAs cannot use TEFAP foods to

NDA is an equal opportunity provider

meet the food supply needs of the agency's other programs.

RDAs are responsible for accessing the Web Based Supply Chain Management System (WBSCM) information on a regular basis to place orders, receipt orders and file complaints.

4.4-USDA Two-tier Priority System Requirements:

The Federal regulations contain a Two-tier Priority System in the allocation of TEFAP food to ERAs. ERAs that are EFOs have priority in receiving TEFAP food over ERAs that are not EFOs.

When the RDA cannot meet the commodity needs of all ERAs, the RDA must give priority in the allocation of USDA commodities to Emergency Feeding Organizations (EFO). The RDA may concentrate USDA foods resources upon a certain type or types of such organizations, to the exclusion of others (7 CFR 251.4).

4.5-State Matching Funds:

NDA must provide a cash or in-kind contribution equal to the amount of TEFAP administrative funds received from USDA and retained by NDA for State program costs or made available to ERAs that are not Emergency Feeding Organizations (EFO), as defined in Federal Regulation (7 CFR 251.3). NDA is not required to match any portion of the Federal grant passed through for administrative costs incurred by EFOs or directly expended by the NDA for such costs (7 CFR 251.9).

4.6-Allocation to Avoid Waste:

TEFAP USDA donated foods must be requested and distributed by RDAs only in quantities that can be consumed without waste. NDA will ensure that no RDA receives USDA donated foods in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such USDA donated foods (7 CFR 251.4).

4.7-USDA Donated Foods Transfers:

All transfers of USDA donated foods between like RDAs (i.e., one food bank to another) must have prior approval of NDA and must be documented. All transfers of donated foods between unlike ERAs (i.e., schools to charitable institutions) must have prior approval of USDA through FND and must be documented (7 CFR 250.12(e), 250.14(d) & 251.4). See Appendix–USDA Food Transport Report (FTR).

Transfer of any USDA donated food may be considered under the following circumstances:

- Excessive Inventories - RDA's having inventory exceeding a four to six month supply, a quantity considered excessive to their needs or with a BIUB date in the near future, shall notify NDA to authorize transfer of USDA donated food to another RDA to prevent waste or spoilage.
- Voluntary Cancellation or Termination – a RDA that withdraws or is contractually

NDA is an equal opportunity provider

terminated shall transfer its remaining inventory of donated food to another RDA.

After obtaining NDA's approval for transfer of USDA donated food, RDAs must:

- Mutually agree to the method for physical movement of the USDA donated food involved, and the responsibility for any charges incurred.
- Document the transfer activity on the USDA Food Transfer Authorization form, and in their respective Monthly Inventory Report.

Section 5 – Eligibility criteria for Regional Distributing Agency (RDA), Sub-Distributing Agency (SDA), and Local Distributing Agency (LDA)

5.1-Regional Distributing Agency – Definition and Criteria:

Pursuant to Federal regulation, an organization is eligible to receive TEFAP USDA donated foods for distribution if it meets the following criteria. The organization:

- Is public, or
- Is private, possessing tax-exempt status pursuant to 7 CFR 251.5, and
- Is not a penal institution,
- Provides food assistance exclusively to needy persons for household consumption, pursuant to a means test, or predominantly to needy persons in the form of prepared meals, and
- Has entered into an agreement with the State for the receipt of USDA donated foods and administrative funds, and
- Falls into one of the following categories: Emergency feeding organizations (food banks, food pantries, soup kitchens); charitable institutions, hospitals, retirement homes, summer camps for children or child nutrition programs providing food service; nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly); and disaster relief programs (7 CFR 251.3).

The RDA must have inventory control and accountability system in place and approved by NDA prior to actually handling TEFAP USDA donated foods, which must be maintained continuously at all points of USDA donated foods receipt and distribution.

The RDA must have an NDA-approved system to ensure that USDA donated foods are distributed in accordance with Federal and State TEFAP laws, rules, regulations, policies and procedures. RDA should submit to NDA at the beginning of FY a distribution formula or justification to demonstrate USDA donated foods are being distributed equitably between LDAs.

NDA shall consider the past performance of potential RDAs when determining the Eligibility for participation (7 CFR 250.4(c)).

NDA may impose additional requirements for participation that does not violate the provisions

NDA is an equal opportunity provider

of Federal regulation (7 CFR 250.4).

5.2-Tax-Exempt Status:

Organizations that are organized and operated exclusively for religious purposes are automatically tax-exempt, according to the Internal Revenue Code. USDA does not require these organizations to obtain tax-exempt status to be eligible as an ERA (7 CFR 251.5).

Organizations that are not organized and operated exclusively for religious purposes are required to obtain tax-exempt status. Organizations must be currently operating another federal program requiring tax-exempt status under the IRC or possess documentation from the IRS recognizing tax-exempt status. Organizations that have applied for, but not yet obtained, tax-exempt status may participate in TEFAP for 180 days, with a possible 90-day extension, if the organization can show good faith in its attempt to obtain tax-exempt status (7 CFR 251.5).

Approved documents showing tax-exempt status are 501c3, IRS determination letter, or can be searched on IRS's Exempt Organization List (link below). A government entity may use its governmental information letter issued by the IRS.

<https://www.irs.gov/charities-non-profits/tax-exempt-organization-search>

5.3-Sub Distribution and Local Distributing Agencies:

Sub-distributing Agencies (SDAs) and Local Distributing Agencies (LDAs) are also considered ERAs and must meet eligibility criteria as in the definition of an RDA.

Federal regulation allows NDA to delegate to RDAs the authority to determine if organizations meet Federal and State criteria to receive commodities and administrative funds in order to become distribution sites. NDA has delegated this authority to RDAs. RDAs must ensure that their SDAs and LDAs meet the established criteria as outlined above. RDAs, however, are not granted authority to establish eligibility criteria (7 CFR 251.5).

RDAs must ensure any contracted SDA/LDA which receives either TEFAP administrative funds or USDA TEFAP donated foods are not on the Federal suspended or debarment list prior to entering into an agreement and each year the agreement is renewed. RDA must not provide any TEFAP administrative funds or USDA donated foods to any entity that is presently debarred, suspended, proposed for debarment, declared ineligible by any governmental department or agency.

SDA/LDA must be registered in the System for Award Management (SAM) and maintain active and current registration for the duration of the agreement with RDA. SDA/LDA must notify RDA within thirty days of any exclusion from participation in transactions as set forth in the

NDA is an equal opportunity provider

agreement. SDA/LDA may participate in TEFAP for 180 days, with a possible 90-day extension, if the organization can show good faith in its attempt to obtain SAM registration.

SAM contains the electronic roster of debarred entities that are excluded from receiving Federal financial and nonfinancial assistance and benefits. Entities with “Exclusion” listed in purple are currently debarred, while those labeled “Entity” in green do not have exclusions. Results can be printed from the website and should be kept with SDA/LDA agreement. Link to SAM website is below.

<https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>

Section 6 – Contracts and Agreements

6.1-Agreement between USDA and NDA:

In Nevada, TEFAP administration is the responsibility of NDA, which entered into an agreement with the United States Department of Agriculture. As such, NDA is designated as the State agency responsible for entering into contractual relationships for the receiving, warehousing, and distribution of TEFAP commodities (7 CFR 251.2).

6.2-Agreements between the NDA and RDAs:

NDA may establish agreements with public and private non-profit agencies or organizations to function as a distribution network for USDA donated foods. A formal agreement/contract with NDA authorizes them to receive, warehouse and distribute TEFAP food in a specific region of Nevada. NDA must have current agreements with RDAs in order for RDAs to receive TEFAP food and/or administrative funds. Agreements may be considered permanent (with amendments) and may be terminated for cause by either party with a 30-day written notice (7 CFR 251.2(2)).

Agreements between NDA and RDAs must include:

- A statement that the RDA agrees to operate in accordance with requirements of 7 CFR 251.2 and 7 CFR 250 as applicable, and NDAs written agreement with FNS and pertinent policies, rules and regulation, and this manual;
- The name and address of the RDA receiving commodities and/or administrative funds (7 CFR 251.2);
- Specific identification of each function for which the RDA is responsible and written requirement that the RDA performs these functions in accordance with 7 CFR 251.2 and pertinent policies, rules and regulation and this manual;
- Specific terms and conditions for the RDA to distribute food and/or administrative funds to another ERA, when NDA allows them to do so, along with a list of specific organizations or types of organizations eligible to receive food or funds (7 CFR 251.2);
- Specific types of administrative expenses RDA are permitted to incur;
- Ensure compliance with all requirements related to food safety and food recalls;

NDA is an equal opportunity provider

- Establish the duration of the agreement, agreement may be established as permanent, but may be amended at the initiation of distributing agencies;
- Permit termination of the agreement by NDA for failure of the RDA to comply with its provisions or applicable requirements, upon written notification to the applicable party;
- Permit termination of the agreement by either party, upon written notification to the other party, at least 30 days prior to the effective date of termination.

RDAs must be registered in SAM and maintain active and current registration for the duration of the agreement. NDA will not provide any TEFAP administrative funds or USDA donated foods to any entity that is presently debarred, suspended, proposed for debarment, declared ineligible by any governmental department or agency. By signing the agreement RDA is certifying they are not presently debarred or suspended. RDA agrees to notify the NDA within thirty days of any exclusion.

RDAs must provide, on a timely basis, by amendment to the agreement, any changed information in program administration, including, but not limited to, any changes resulting from amendments to Federal regulatory requirements and policy and changes in site locations (7 CFR 251.2).

6.3-Agreements between RDAs and SDAs and LDAs:

Regional Distributing Agencies (RDA) are ERAs that have contracts directly with NDA and are authorized to enter into agreements or contracts with other organizations to perform TEFAP functions. Organizations that operate under RDAs are also ERAs but are more commonly known as Sub-Distributing Agencies (SDAs) or Local Distributing Agencies (LDAs). RDAs must have written agreements with their SDAs and LDAs before they can receive TEFAP food and/or administrative funds (7 CFR 251.2).

Note: SDAs receive TEFAP USDA donated food and administrative funds; LDAs do not receive administrative funds, only TEFAP USDA donated food. See Appendix-Sample SDA and LDA Agreements

Agreements between RDAs, SDAs or LDAs must include:

- A statement that the SDA or LDA agrees to operate in accordance with requirements of 7 CFR 251.2 and 7 CFR 250 as applicable, and NDAs written agreement with FNS and pertinent policies, rules and regulation, and this manual;
- Name and address of the SDA or LDA receiving commodities and/or administrative funds (7 CFR 251.2);
- Specific identification of each function for which the SDA or LDA is responsible and written requirement that the SDA or LDA performs these functions in accordance with 7 CFR 251.2 and pertinent policies, rules and regulation and this manual;
- Specific types of administrative expenses SDA are permitted to incur;
- Ensure compliance with all requirements related to food safety and food recalls;

NDA is an equal opportunity provider

- Establish the duration of the agreement, agreement may be established as permanent, but may be amended at the initiation of distributing agencies;
- Permit termination of the agreement by NDA or RDA for failure of the SDA or LDA to comply with its provisions or applicable requirements, upon written notification to the applicable party;
- Permit termination of the agreement by either party, upon written notification to the other party, at least 30 days prior to the effective date of termination.

RDA's that have agreements directly with NDA are responsible for ensuring that their SDA's or LDA's meet all Federal and State program requirements. The RDA is not relieved of any program responsibility by subcontracting. Instead, the RDA becomes responsible for the actions of the subcontractors, in addition to all other implied or designated responsibilities. At the same time, subcontractors are not relieved of the responsibility of contracted performance to the RDA.

SDA/LDA must be registered in SAM and maintain active and current registration for the duration of the agreement. SDA/LDA must include their DUNS numbers and by signing the agreement certify the LDA/SDA is not presently debarred, suspended, proposed for debarment, declared ineligible by any governmental agency. The SDA/LDA agrees to notify the RDA within thirty days of any exclusion. RDA will not provide any TEFAP administrative funds or USDA donated foods to any entity that is presently debarred, suspended, proposed for debarment, declared ineligible by any governmental department or agency.

NDA will assess the RDA by issuing a satisfaction survey bi-annually to all SDA's and LDA's. RDA's must have written contracts with all commercial storage facilities, and other entities that deal with TEFAP USDA donated foods (7 CFR 250.12 (f)).

6.4-Transfer of Responsibility:

The following procedures apply to any change or transfer of RDA responsibility:

- A request for transfer or termination of contractual obligation may originate with either party.
- NDA will review and approve or deny the change or transfer.
- For approved transfers of RDA responsibility, the first consideration will be the provision of continuity of service to recipients to the extent possible. Since contracts are designated for a specified timeframe which include a 30-day notice termination clause, NDA may request that the existing contract stays enforced until the RDA is replaced with a new RDA and a contract is signed.
- In situations where NDA deems it to be in the program's best interest, NDA may provide a 30-day notice of contract termination to the RDA or order an immediate termination of the contract.
- Any new RDA must have a signed agreement with NDA in order to receive TEFAP foods (7 CFR 251.2).
- Quantities received by the new RDA on transfer of entitlement must be approved by

NDA is an equal opportunity provider

NDA and have backup documentation to include verified physical totals.

Section 7 – Eligibility Criteria for Recipients

7.1-The NDA’s Responsibility:

NDA must establish uniform statewide criteria for determining the eligibility of households to receive food provided under TEFAP legislation for home consumption. Criteria must include:

- Income-based standards and the methods by which households may demonstrate eligibility under these standards; and (7 CFR 251.5(b)).
- A requirement that households reside in the geographic location served by the SDA or LDA at the time of applying for assistance. Length of residency in geographic location must not be used as a criterion of eligibility (7 CFR 251.5(b)).

7.2-RDA Responsibility:

Agencies distributing to households for home consumption must limit the distribution of USDA donated foods to those households with meet the eligibility criteria established by NDA.

Agencies providing prepared meals must demonstrate that they serve predominantly needy persons. Organizations may not employ a means test to determine that recipients are needy. (7 CFR 251.5).

NDA must impose upon RDAs the responsibility for determining that recipients to whom SDAs and LDAs distribute donated foods are eligible.

7.3-Household Eligibility Criteria:

A household may be eligible for TEFAP USDA donated food by signing a self-declaration statement declaring that the total household income is at or below the current TEFAP Income Eligibility, which is 185% of the current Federal poverty income guideline criteria established for the number of persons in the household. In determining income eligibility, gross (before deductions) household income must be used. Recipients must also live within the geographic service area of the distribution site.

Household eligibility may be determined using biweekly, bimonthly, monthly, or annual income. Eligibility may occur during any month that the recipient meets NDA’s established income guidelines. Eligibility may also occur based on annual income, even if the current month’s earnings exceed the monthly income guideline.

To determine if total household income is at or below 185% of poverty level for the number of persons in the household, the RDA **must** use the current income eligibility chart issued by NDA annually. The RDA is responsible for providing the information to its SDAs and LDAs. See Appendix -Current Income Eligibility Chart

For purposes of calculating TEFAP income eligibility, the following sources are not considered

NDA is an equal opportunity provider

income for eligibility:

- Student aid assistance received from a program funded by Title IV.
- Employer or union-paid noncash benefits, such as health insurance, food, or rent received in lieu of wages, etc.
- Value of non-cash benefit programs such as Medicare, Medicaid, SNAP/food stamps, school lunches, housing assistance, etc.
- Loans from financial institutions such as banks. These funds are only temporarily available and must be repaid.
- The value of in-kind compensation allowances, such as military base housing allowance, or subsidized medical and dental services.
- Payments for support services or expense reimbursement made under any program under the auspices of the Domestic Volunteer Service Act of 1973
- Earned income credit from the Internal Revenue Service is not fixed income. Households with earned income credit can receive commodities for up to one year.

7.4-Additional Recipient-Eligibility Criteria:

Participation in any one of the following programs also qualifies a household to receive TEFAP Foods (household is **not** required to show documentation or proof of participation):

- Supplemental Nutrition Assistance Program (SNAP).
- Temporary Assistance for Needy Families (TANF).
- Supplemental Security Income (SSI).
- Medicaid.
- 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 homeless shelter or Nevada Division of Welfare and Supportive Services (DWSS) office for accessing food pantries.
- Food Distribution Program on Indian Reservation (FDPIR).
- Commodity Supplemental Food Program (CSFP).

AI/PA Certification Using the TEFAP Certification of Eligibility Form

A household can qualify to receive TEFAP Foods using either Approved Public Assistance (PA) as described above or with Approved Income (AI). When using the TEFAP Certification of Eligibility form, TEFAP certification staff must indicate the method of certification by checking either the AI or PA column. Because the Certification of Eligibility form does not keep a record of a client's month-to-month TEFAP activity, the certification method must be indicated for every client every month.

AI/PA Certification with Client Intake Software

Client intake software allows TEFAP partners to create a file for clients and track their participation in food assistance programs over time. When using client intake software to certify clients for TEFAP, certification staff must conduct an initial certification indicating either AI or

NDA is an equal opportunity provider

PA; however, it is not required that this information be captured every month. Once a client has been certified to receive TEFAP, and all information required in Section 8.5 of the Nevada TEFAP Policy and Procedures Manual has been captured, staff only need to record the date of issuance of TEFAP food. To ensure clients remain eligible to receive TEFAP, certification staff must verify and update client eligibility and information at least once per year.

As with all TEFAP program documents, digital systems must be able to retain client records for three years plus the current year per Section 15.4 of the Nevada TEFAP Policy and Procedures Manual.

7.5-Approved Certification Form:

SDAs and LDAs issuing TEFAP foods for home consumption may use the Certification of Eligibility to Take Food Home Form to establish the household's eligibility to receive TEFAP foods. If the SDA or LDA develops its own certification form, it must contain the same information and disclosures.

Each distribution site must collect and maintain on record for each household receiving TEFAP USDA donated foods the name of the household member receiving TEFAP USDA donated foods, the address of the household, the number of persons in the household, and the basis for determining that the household is eligible to receive TEFAP USDA donated foods.

ERAs may not establish additional criteria or request additional information or data for determining eligibility to take TEFAP food home. Any requests for other information or data, not specifically required for eligibility to receive TEFAP foods, must be made on a separate form that is clearly identified as "NOT required to receive TEFAP food". The ERA must maintain a copy of the eligibility certification form and corresponding income scale chart on file for three (3) years following the close of the federal fiscal year to which they pertain (7 CFR 251.5 & 251.10).

7.6-Authorized Representative:

A household may specify in writing: a third person to complete the certification form, or other eligibility documentation and/or pick up TEFAP food for the household. This authorization can be submitted in person or by mail and maintained as part of the applicant's file. The authorization may be for a specific distribution(s) or for the duration of the eligibility certification. The authorized representative must show some form of ID to prove they are the person designated to receive food products for the household. An authorized representative may be used for situations which prevents the participant from attending a distribution (medical situations, transportation issues, etc.).

7.7-Residency Criteria:

Households may establish residency by providing one of the following documents:

NDA is an equal opportunity provider

- Nevada Driver's License
- Nevada Identification Card
- Utility bill or bank statement from last two months (name on bill does not have to match picture ID)
- Lease Agreement or Rental Receipt (name on lease does not have to match picture ID)
- Current SNAP, Medicaid, or TANF card.

7.8-Congregated Feeding Agency Recipient Criteria:

LDAs providing prepared meals (soup kitchens, homeless shelters or emergency shelters) must demonstrate to the RDA that they serve predominantly needy persons. Federal regulations prohibit NDA from requiring a means test of income eligibility. NDA may require a higher standard than “predominantly” and may determine whether organizations meet the applicable standard by considering socioeconomic data on the area in which the organization is located, or from which it draws its clientele (7 CFR 251.5).

It shall not be deemed a failure to comply with federal regulations if LDAs serve meals that contain TEFAP USDA donated foods to non-eligible people if the non-eligible people share common preparation, serving, or dining facilities with eligible people, as long as the non-eligible people are common beneficiaries with the eligible people of the program, or the non-eligible people are few in number compared to the eligible people and receive meals as an incidence of their service to the eligible people, i.e., relief workers, teachers, etc. (7 CFR 251.5).

Section 8 – Distribution Guidelines and Procedures

8.1-State Distribution Plan:

The Nevada Department of Agriculture Food and Nutrition Division submits a TEFAP Distribution State Plan to the Food and Nutrition Services Regional Office (FNSRO). The plan includes, but is not limited to:

- A designation of the State agency responsible for distributing USDA donated foods and administrative funds, with the agency address.
- A plan of operation and administration to expeditiously distribute USDA donated foods.
- A description of the standards of eligibility for recipient agencies, including any sub-priorities within the two-tier priority system.
- A description of the criteria established by NDA that must be used by RDAs to determine the eligibility of households to receive USDA commodities (7 CFR 251.6).

8.2-Frequency and Rate of Distribution:

The RDA will develop their own distribution rates for their region. In an effort to close the food insecurity gap, established networks are the preferred method of distribution.

An RDA serving counties other than the county where its warehouse or storage facilities are located shall provide delivery of TEFAP foods to readily accessible locations throughout its

NDA is an equal opportunity provider

designated service area on a regular basis, but no less than monthly.

RDAs are responsible for distribution of TEFAP foods to SDAs and LDAs. The RDA shall make every effort to meet the SDA and LDA needs, so as to ensure no additional hardship or expense to the SDA and/or LDA.

RDAs shall distribute TEFAP foods so as to adequately serve the largest possible number of SDAs and LDAs in a Region, particularly in rural areas. RDAs will ensure all SDAs and LDAs distributions occur at locations in which food is consistently available to the community (i.e. food pantries, soup kitchens).

If an RDA, SDA or LDA will operate mobile food pantries, information on scheduled distribution dates, times, and locations shall be available to the state agency upon request. Mobile food pantries shall be operated in a method in which eligible recipients can rely on a stable food distribution system with consistency in scheduling and availability.

RDAs may allow SDAs and LDAs to use their discretion in the number of distributions they feel are needed per month. However, the frequency of distribution must be at a minimum monthly. RDAs, SDAs and LDAs may have more than once a month distribution. Recipients may receive TEFAP products throughout the month. For each food distribution, the RDA, SDA and LDA shall follow the guidelines, and retain the documentation required by federal and state regulations, policies, procedures, and rules.

8.3-SDA and LDA Distribution Procedures:

TEFAP distribution sites must be open to the general population. Sites that limit participation or attendance to only their members may not be TEFAP distribution sites. Proof of household income shall not be required in order for an eligible recipient to receive TEFAP food.

The SDA may require further eligible recipient information for use with other programs. However, eligible recipients shall not be denied TEFAP food if they refuse to reveal any information that is not a requirement of TEFAP (e.g. social security number, household income documentation, etc.). While the SDAs and LDAs may require additional recipient information for use with other programs, the RDA must ensure that these agencies inform eligible recipients, in writing and/or have visible signs posted, that this information is not required to receive TEFAP food.

8.4-TEFAP Distribution in Conjunction with Other Programs:

ERAs may distribute TEFAP food simultaneously with other programs, as long as the site is open to the general public, and access is not limited to specific individuals. TEFAP recipients must meet the eligibility criteria and sign the TEFAP Certification Eligibility. See Appendix-Certification of Eligibility

NDA is an equal opportunity provider

RDA's are encouraged to incorporate donated foods with the monthly TEFAP distribution. RDA's will report the pounds of donated food to the FND. ERAs may incorporate the distribution of foods that have been donated by charitable organizations or other entities with the distribution of USDA donated foods or distribute them separately (7 CFR 251.4).

8.5-TEFAP Eligibility Certification Form and Household Food Distribution Log:

Each ERA must collect and maintain on record, for each household receiving TEFAP commodities for home consumption, the name and signature of the household member receiving TEFAP USDA donated foods, 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 (7 CFR 251.10). TEFAP Certification of Eligibility form satisfies these Federal requirements. The Eligibility Certification Form must be maintained on file at the distributing ERA, either electronically or in hardcopy.

*Post office box numbers are adequate for rural areas. If the recipient is homeless, the nearest cross-streets of his/her most recent habitat are sufficient.

By signing the Certification of Eligibility Form, recipients are certifying, under penalty of perjury, that they are income-eligible to receive TEFAP USDA donated foods according to the TEFAP eligibility guidelines, and that they reside in the distribution site's service area.

Recipient's signature also attests their agreement that TEFAP USDA donated foods are for personal home use and, therefore, must not be sold, traded, or given away (7 CFR 250.1). If a recipient is incapable of signing their name, distribution site staff or volunteer may sign for the recipient who would then mark an "x" or other mark on the signature line.

The TEFAP Eligibility Guidelines charts must be prominently posted at each household distribution site to ensure applicants are reviewing eligibility guidelines at each distribution, per FD-036 and should be posted at the point of sign-up for TEFAP foods pickup.

8.6-Unrelated Activities:

Unrelated activities may be conducted at distribution sites as long as:

- The person conducting the activity makes it clear that the activity is not part of TEFAP and is not endorsed by the USDA.
- Information not related to TEFAP is not placed in or printed on TEFAP distribution containers.
- The person conducting the activity makes it clear that cooperation is not a condition of receipt of TEFAP -USDA donated foods, e.g., attending religious services, contributing money, signing petitions, or conversing with people.
- The activity does not disrupt distribution of TEFAP USDA donated foods or meal service (7 CFR 251.10(f)).

NDA is an equal opportunity provider

RDA, SDA and LDA personnel are responsible for ensuring that activities unrelated to the distribution of USDA commodities are conducted in a manner consistent with the above conditions (7 CFR 251.10(2)).

Agencies found in violation of the policies regarding unrelated activity in this section are subject to termination from further TEFAP distributions (7 CFR 251.10).

Federal, State, or local government program(s) material or information may be deemed related to TEFAP if it is directed toward services for the needy.

8.7-Explicitly Religious Activities:

According to USDA program policies explicitly religious activities are prohibited as part of TEFAP activities.

- RDAs, SDAs and LDAs may not engage in explicitly religious activities as part of TEFAP. This includes activities that involve overt religious content, such as worship, religious instruction, or proselytization.
- If there is an explicitly religious activity that takes place at the distribution site, it must be separate in time or location from the provision of TEFAP services.
 - Separate in time or location means that if there is an explicitly religious activity happening in the same location it must be at a different time than the provisions of TEFAP services or if an explicitly religious activity is happening at the same time it must be in a different location than the provision of TEFAP services. There can be no overlap.
- RDAs, SDAs and LDAs must not require program beneficiaries or prospective beneficiaries to participate in explicitly religious activities in order to receive TEFAP services. Participation in any explicitly religious activities must be voluntary.
- RDAs and SDAs cannot use TEFAP funds to support any explicitly religious activities, speech or materials.

For further guidance or clarification on explicitly religious activities please contact NDA or visit USDA's TEFAP website (7 CFR Part 16.4(f)).

8.8-Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP Benefits from Religious Organizations:

In accordance with USDA 7 CFR Part 16.4(f), faith-based or religious organizations that receive USDA Foods or administrative funds for TEFAP must give written notice to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider when available. The written notice must state that:

- The organization may not discriminate against beneficiaries on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

NDA is an equal opportunity provider

- The organization may not require beneficiaries to attend or participate in any explicitly religious activities that are offered by the organizations, and any participation by beneficiaries in such activities must be purely voluntary.
- The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance.
- If a beneficiary objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer the beneficiary to an alternate provider to which the prospective beneficiary has no objection; the organization may not be able to guarantee, however, that in every instance, an alternate provider will be available; and
- Beneficiaries may report violations of these protections (including denials of services or benefits) by an organization to the State agency (email to fnd@agri.nv.gov). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).

RDAs, SDAs and LDAs certifying potential beneficiaries and providing TEFAP benefits to participants must provide the written notice to applicants prior to the time they receive TEFAP services.

When the service provided to the beneficiary involves only a brief interaction between the provider and the beneficiary, and the beneficiary is receiving what may be a one-time service from the provider (such as a meal at an emergency kitchen or food for home consumption at a food pantry), the service provider may post the written notice of beneficiary protections in a prominent place, in lieu of providing individual written notice of each beneficiary.

Accordingly, religious organizations providing TEFAP services can comply with the federal regulations and meet the requirements of this guidance memorandum by posting a written notice, which included the complete list of beneficiary protections described above, at service locations. The posted written notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site (FNS-138).

If a beneficiary or prospective beneficiary of TEFAP objects to the religious character of an organization that provides services under the program, that organization must promptly undertake reasonable efforts to identify and refer the beneficiary to an alternate provider, if available, to which the prospective beneficiary has no objection.

In some cases, a referral option may not be available. What constitutes “reasonable efforts” will depend on the situation. Organizations should at a minimum attempt to identify an alternative provider, determine what services the alternative provider offers and determine whether the alternative provider is accepting new referrals.

NDA is an equal opportunity provider

8.9-Civil Rights:

There must 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 (7 CFR 250.5, FNS Instruction 113).

Every year, or more frequently when deemed necessary, the ERAs must notify the public, including minority and grass roots organizations in their service area, of the availability of TEFAP distributions in their area and eligibility requirements for the program. NDA must review all written and electronic materials that include the Nondiscrimination Statement developed for TEFAP prior to publication. RDA is required to submit materials to NDA 30 days before planned publication for approval.

All FNS assistance programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint (FNS Instruction 113-1, Section IX PUBLIC NOTIFICATION).

The public notification system must include the following three basic elements:

- Program Availability. Each State agency, local agency, or other sub recipient that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of program availability. Changes in location of TEFAP distributions, times of service, or any significant program changes must be transmitted to potential TEFAP participants as appropriate and in a timely manner (i.e. by posting information on the agency's website, doing press releases, posting days and hours of operation in a clearly visible place, or thru local Assistance Directories such as 211, etc.).
- Complaint Information. Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- Nondiscrimination Statement. **All** information materials and sources, including Web sites used by FNS, State agencies, SDAs or LDAs to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information or Website. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

Non-Discrimination Statement is:

“In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on

NDA is an equal opportunity provider

race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

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

This institution is an equal opportunity provider.”

Applications and agreements made by the RDA with individuals or organizations for TEFAP distribution must contain a statement that the distribution site cannot discriminate in handing out TEFAP food (FNS Instruction 113).

The “And Justice for All.” poster must be posted at each distribution site in clear view of all TEFAP recipients.

Section 9 – USDA Food Ordering and Receiving

Additional federal instruction for shipment and receipt of USDA foods may be found in FNS Instruction 709-5 rev 2.

9.1-RDA WBSCM Ordering from USDA:

RDAs are responsible for placing requisition for USDA foods in the Web-Based Supply Chain Management (WBSCM) system for entitlement and bonus foods. USDA provides bonus commodities to each State based on availability from suppliers. These bonus items do not count against the RDA’s entitlements. NDA will work with the Northern and Southern

NDA is an equal opportunity provider

RDA's to determine a fair share split as each award is made. Bonus items must be requisitioned in WBSCM.

9.2-USDA Computer Programs:

RDAs are required to use the Web Based Supply Chain Management (WBSCM) at their own expense, to monitor reports of allocations, shipments and receipts of TEFAP USDA foods; acknowledge receipt of direct shipments from USDA vendors; and place requisitions orders for TEFAP foods.

9.3-Shipping:

USDA foods are directly shipped to RDAs from USDA.

9.4-USDA Delivery Notification:

USDA should notify the RDA of pending deliveries at least 24 hours prior to delivery. The delivery time set will generally be a two-hour window to allow for any unforeseen delays. RDAs should make a concerted effort to off-load commodities as soon as the carrier arrives, so that subsequent deliveries may be made as scheduled. Generally, a trucking company, without additional charge, often prearranges schedules for specific arrival time of vehicles for unloading at RDA's premises. To do so, benefits both truckers and receivers, although a trucking company has no obligation to make these appointments. When a trucker calls to arrange a specific unloading time, the time arranged is at the trucker's option, or by mutual agreement between the trucker and the RDA. If the RDA does not give appointments, be aware that the trucker's free time begins when the truck arrives at the RDA. If not unloaded in time, demurrage charges may result. Those charges will be the responsibility of the RDA and must not be claimed as a TEFAP program expense.

9.5-Freight Prepaid:

Direct shipments from USDA are via commercial carriers and freight is prepaid. RDAs must not pay any charges requested by the driver or other agent of the carrier. RDAs must notify the NDA immediately of any such request.

Freight is not prepaid if the RDA has accrued a detention demurrage charge or a charge for redelivery. Redelivery occurs when the driver is asked by the RDA to deliver the load to a destination other than the destination listed on the delivery order (DO).

9.6-Bills of Lading (BOL):

All USDA shipments are made on commercial bills of lading. The bill of lading is the primary document on which all verifications of delivery, condition of USDA foods upon receipt, and USDA foods counts must be recorded. Truckers and trucking companies are paid via signed bills of lading that serve as proof the load was delivered.

9.7-Receipt Procedure:

NDA is an equal opportunity provider

Responsibility for USDA donated foods passes to the RDA at the time the products are unloaded. The RDA must carefully check each shipment while unloading to ensure that complete delivery is made, it is in good condition, and any overage, shortage or damage is properly reported and documented on the bill of lading (BOL). Failure to do so may result in an RDA being held liable for out of condition USDA foods, even though the damage may have occurred during shipment.

When the driver arrives with USDA donated foods, and before the driver leaves, the RDA must:

- Inspect each shipment carefully while unloading to determine its count and condition.
 - If inspection indicates that some of the TEFAP foods in the shipment are damaged, spoiled or out of date, or if there is only a minor discrepancy from the quantity of TEFAP Foods ordered, the RDA or SDA has two choices:
 - Accept the entire shipment and segregate any out-of-condition USDA TEFAP foods and notify NDA as soon as possible, by email, of the discrepancies.
 - Immediately notify NDA of the discrepancies upon receipt, requesting permission to refuse that part of the shipment. NDA will immediately notify WRO and file a complaint in WBSM. WRO will make the final disposition on determining the course of action.
 - The RDA must annotate in WBSM the delivery problem in the receipting comment section.
- Sign and date the bill of lading to acknowledge receipt of all items physically received, including product rejected as being out of condition, as well as product received in good condition. Do not sign or initial the bill of lading before determining whether there is damage to, and/or whether there is a shortage or overage of the delivery. The driver is required to sign the BOL when changes to the quantity are noted.
- The RDA will complete the USDA receiving report within 24 hours of receipt of shipment. Include the following information and file with the BOL:
 - Date and time shipment received;
 - Name of USDA foods, pack size, pack date, best if used by date;
 - Sales order number;
 - Item number processor product code, pallet count;
 - Quantity received in good condition, quantity shorted, damaged or over;
 - Photos of damaged USDA foods;
 - Condition of shipment;
 - Time placed for unload, time unloading started, time unloading finished;
 - Inside/outside temperature of trailer;
 - Arrival/departure seals, conditions of seals;
 - Trailer/truck number
 - Gross weight, Net weight

NDA is an equal opportunity provider

- Name of carrier, carrier's agent
- Name and signature of receiving warehouse.
- Record the shipment goods receipt in WBSCM within 24 hours after receiving shipment. The goods receipt must indicate the quantity received in good condition and, if applicable, the quantity received damaged or rejected. If RDA is unable to receipt shipment in WBSCM, they should email the bill of lading to NDA as soon as possible but prior to 24-hour deadline.

9.8-Damaged Shipments

There are several processes to record damaged USDA foods based on circumstances:

- USDA foods damaged during receipting of shipment: Section 9.7 details process when shipment arrives with damaged goods and is recorded in WBSCM notating shortage and the reason for the shortage. RDA will send the receiving report, signed BOL and photos to NDA.
- Latent product defects: defects observed by the RDA after acceptance of shipment must be reported to NDA and USDA. RDA should complete and create an FNS complaint in WBSCM and notify NDA via email, including the complaint number. NDA may view the complaint by logging into WBSCM under complaint administration.

9.9-Short or Over Shipments

If a delivered shipment has a shortage or overage, the RDA must do the following:

- Short or over USDA foods: Section 9.7 details process and is recorded in WBSCM notating short or over foods. RDA will send the receiving report along with the signed BOL to NDA

9.10-Receiving Location:

RDAs must notify the TEFAP Specialist of any change in receiving location no later than 60 business days before the scheduled delivery. NDA TEFAP Specialist will notify USDA of the change for approval. Costs incurred as a result of RDA's failure to make timely notification will be charged to the RDA.

Carriers will not deliver to a receiving location that is not shown on the bill of lading without prior authorization from -USDA.

Receiving locations must be prepared to off-load at the appointment time, with the proper equipment and off-loading labor, within the allotted timeframes.

9.11-Unloading Palletized Loads:

RDAs are responsible for unloading palletized loads, even if they do not have the proper equipment to handle the pallets.

NDA is an equal opportunity provider

USDA allows up to two hours free time to unload full and split palletized loads from trucks.

9.12-Unloading Slip-sheeted Loads:

RDAs should inquire at the time of delivery scheduling if any USDA direct shipments are slip sheeted (non-palletized), rather than palletized. Dry cereal is often sent on slip-sheets. RDAs are responsible for providing the proper equipment and off-loading labor for handling slip-sheeted loads.

USDA allows up to six hours free time to unload full and split slip-sheeted loads from trucks. RDA may request reimbursement for costs associated with restacking items that arrive not palletized or pallets that arrive poorly stacked if appropriate documentation, including photographs, is provided via NDA to the WRO **before the shipment is accepted.**

If a RDA requests or requires a driver to restock product onto pallets or perform any service in relation to unloading, the RDA should be aware that the driver will normally charge for the service and that the RDA will be responsible for any restocking or unloading charges.

9.13-Dunnage:

Packing and materials used to protect USDA foods during shipping must be removed and disposed of by the RDA.

9.14-Free Time:

USDA may make exceptions for additional free time. Free time allowance is computed from the time of arrival or time of scheduled unloading, whichever is later. Allowance for lunch is not normally given. In the event the carrier should allow less time than the free time established, USDA will pay the difference. Bills for such charges should be sent to NDA. NDA will review the bill and file the claim through the appropriate FNS Regional Office. If the RDA takes more time to unload a truck than the USDA free time allowance, demurrage charges will be billed to the RDA. Charges may be due, even if the delivery arrives with no advance notice.

9.15-Detention Records:

In the case where a truck is detained due to either the driver or the RDA, the following records must be maintained by the RDA:

- USDA Donated Food identification;
- Purchase order number, contract number, or Sales Order number;
- Name of trucker;
- Truck or trailer number or license plate;
- Date and time of driver's notification of the arrival of the vehicle for unloading;
- Date and time unloading began;
- Date and time unloading was completed;
- Date and time vehicle was released for departure by the RDA;

NDA is an equal opportunity provider

- Total gross weight of freight unloaded;
- Date and time agreed upon for arrival of the truck if delivery was made under a prearranged schedule.

9.16-Split Shipments:

A split shipment is a single truckload with more than one delivery destination scheduled. If the load arrives improperly braced, it is the carrier's responsibility to properly brace shipments, repair, and level off or install new bracing between multiple receiving points. However, if a split shipment is not properly braced upon delivery to a stop-off point, the intermediate carrier must repair the bracing or level off the load.

Load locks or strapping devices must be used by the carrier when necessary to secure the remaining load.

If a split shipment is made in a temperature-controlled car, the stop-off RDA(s) must make sure that the refrigeration remains turned on during unloading and is on before the truck proceeds to the next destination. The stop-off RDA is responsible for resealing the truck or trailer. RDAs must place and record seals on the outbound shipment from the stop-off point.

Additional cost or time for unloading damaged, shifted or jumbled products should be documented in the RDA's records.

When shortages in split shipments are reported at a final destination only, the stop-off RDA must provide NDA with proof of the following when the truck departed their facility:

- Quantity unloading documentation, or a statement supporting the unloaded quantity reported;
- Complete inbound and outbound seal numbers;
- Location where unloading was performed.

Issues related to resealing, such as broken or lacking seals, should be referred to NDA, who will notify WRO.

9.17-RDA Transportation and Delivery:

RDAs must own, lease, or have access to a sufficient number of delivery vehicles (enclosed and secure) to adequately serve their region. Delivery vehicles include van or panel trucks, refrigerated vehicles, etc. in sizes capable of unloading at large and small sites.

9.18-SDAs and LDAs Receipt of TEFAP Foods:

SDAs and LDAs must sign a receipt for any TEFAP foods received. The receipt must include the number of cases of each type of food, the name of the agency receiving the food, date, and recipient's signature. A copy of the signed receipt must be maintained by both the SDA and LDA for their file.

NDA is an equal opportunity provider

Section 10 – Receiving Local Donations into TEFAP

10.1-Local Donations:

RDAs are encouraged to solicit local donations to supplement foods provided by the USDA.

10.2-Receipt and Distribution Procedure:

RDAs are **not** required to obtain approval before accepting local donations. However, the NDA reserves the right to reject items that are not nutritious and wholesome that may be added to the TEFAP distribution. Local donations must be inventoried separately from TEFAP inventory. All guidelines and procedures outlined for the distribution of USDA foods must be followed in the distribution of these products.

Section 11 – Storage of TEFAP USDA Foods

11.1-Federal Regulatory Storage Requirements:

RDAs, SDAs and LDAs must provide facilities for the handling, storage, and distribution of donated foods which:

- Are sanitary and free from rodent, bird, insect and other animal infestation;
- Are safeguarded against theft, spoilage, damage and other loss;
- Maintain foods at proper storage temperatures;
- Stock and space foods in a manner so that USDA-donated foods are readily identified;
- Store donated food off the floor in a manner to allow for adequate ventilation;
- Take other protective measures as may be necessary (7 CFR 250.14).

NDA and ERAs must make sure that storage facilities have any Federal, State, and local health inspections and approvals that are required and that all are current (7 CFR 250.14). ERAs should check within their county for required inspections and approvals.

It is the SDA/LDAs responsibility to be in compliance of county requirements for storage inspections and approvals. The information should be retained at the SDA/LDA and made available upon request by the RDA and/or NDA.

11.2-Specific Storage Requirements:

RDAs, SDAs and LDAs must adhere to the following storage requirements, as specified by the NDA per Nevada State Health, Fire and Safety Codes:

- All food must be stored, transported, and served so as to be pure, free from contamination, adulteration and spoilage, and protected from pests;
- Food facilities must at all times be so constructed, equipped, maintained, and operated as to prevent the entrance of rodents, insects, etc.;
- Food facilities must be kept clean and free of litter, rubbish, contaminants, and pollutants;
- Food must be stored under climate-controlled conditions, in accordance with the

NDA is an equal opportunity provider

- following general storage temperature guidelines;
- Dry items (Regular): Ambient temperature in well ventilated space. Recommended less than 80°F. This applies to all canned USDA foods.
 - Dry items (Special): 50° F to 70° F at 50% humidity or less. This includes all beans, pasta, grains, powdered food items, etc.
 - Frozen Foods: -10° F to 0° F
 - Chilled Foods: 35° F to 41°F
- Monitoring and recording temperatures in all storage areas should be done on a consistent basis.
- RDAs must have systems in place to continuously monitor temperatures. Temperature logs must be retained for three (3) years after the end of the fiscal year to which they pertain.
 - SDA/LDAs must have effect temperature monitoring and recording protocols to ensure USDA TEFAP foods are stored at the appropriate temperatures. Temperature logs must be retained for three (3) years after the end of the fiscal year to which they pertain.
- Storage space must be adequate for the receipt, storage, and distribution of all TEFAP foods.
- Store donated food in a manner to allow for adequate ventilation.
- All food products must be stored away from non-food items that may contaminate food, such as cleaning products, insecticides, rat poison, etc.;
- RDAs must implement a system of stock rotation that assures the oldest stock is issued to recipients before more recent stock is issued;
- RDAs must implement an inventory procedure to monitor physical count and condition for all movement of TEFAP food in and out of storage locations;
- RDAs must ensure that annual fire safety and health inspections are conducted as required, and that documentation is available during review.

*When not palletized, food must be stored off the floor, e.g., on shelves, racks, 2” by 4”s, or larger wooden boards

11.3-Commercial Storage Facilities:

If local storage of TEFAP food for an RDA is furnished by a commercial warehouse, it must be formalized by a written contract. A copy of the written contract must be submitted to the NDA within 60 days of the effective date.

Contracts with storage facilities must contain, at a minimum:

- Assurance that the storage facility will be maintained in accordance with the specifications in 11.2 above and all applicable requirements listed under The Office of Management and Budget’s (OMB) Uniform Guidance 2 CFR Part 200, appendix II;
- An effective date of no longer than 5 years, including any option years, extensions, or

NDA is an equal opportunity provider

- renewals;
- Provision that assures donated food will be stored in a manner that distinguishes them from other foods and assures separate inventory recordkeeping of donated food;
- 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 7 CFR 250.12(a) and (b);
- Provision that assures compliance with all Federal, State, and local requirements relative to food safety and health, including required health inspections, and procedures for responding to food recalls;
- 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;
- Provision that permits on site reviews of storage facility by NDA, the Comptroller General, the Department of Agriculture in order to determine compliance;
- Assurance that annual physical inventory will be conducted, and inventory records maintained;
- Beginning and ending dates of contract;
- Provision for immediate termination of contract due to non-compliance;
- Provision for termination of contract for cause by either party upon 60-days written notice;
- A provision that provides for extension or renewal of the contract upon fulfillment of all contract provisions;
- The amount of insurance coverage obtained to protect the value of donated foods;
- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

Section 12 – Inventory

12.1-Records:

RDAs must maintain records to document the receipt, disposal, and inventory of TEFAP foods received (7 CFR 251.10).

RDAs must maintain accurate and complete records with respect to the receipt, distribution/disposal, and inventory of USDA donated foods; and with respect to any funds that arise from the operation of the distribution program. All entities that contract or have an agreement with RDAs must also maintain such records (7 CFR 250.14).

The Monthly Inventory Report (MIR) documents RDAs' TEFAP food only and includes not only food stored at the RDAs but also food stored at their region's SDAs and LDAs.

RDAs are responsible for documentation of the physical movement and receipt of all USDA donated food between the RDA locations, SDAs and LDAs.

NDA is an equal opportunity provider

12.2-Review of Storage Facilities:

NDA will conduct a review of RDAs storage facilities during the review once every two years. Reviews must include a physical inventory, which must be reconciled with the storage facility’s inventory records and maintained on file with the RDA. Food items found to be lost, stolen, or out-of-condition must be identified during the inventory and reported by the RDA to the NDA. Potential excessive inventory must also be reported to the NDA by the RDAs. Documentation shall be maintained at the NDA to reflect compliance, including documentation of corrective actions in case of non-compliance. Corrective actions should be taken immediately, with results of the corrective actions forwarded to the NDA (7 CFR 250.21).

12.3-Excessive Inventory:

NDA must determine if a RDA’s inventory is excessive based on the rate of distribution, anticipated distribution, and other concerns such as logistical and economic considerations (7 CFR 251.10).

There shall be no circumstance where the inventory level of USDA foods item in storage exceeds a six-month supply unless the RDA submits justification for additional inventory and obtains approval. RDA must submit justification to the NDA. If inventory level of a given item exceeds a six-month supply RDA is required to notify NDA. NDA will then notify FNS and report excess inventory on the FNS 155 report.

NDA shall document all corrective action taken to ensure that excess inventory at all levels is eliminated (7 CFR 251.10).

Section 13 – USDA Donated Food Losses, Spoilage, and Out-of-Condition

13.1-Theft or Vandalism:

RDAs must provide facilities for TEFAP food that are safe against theft and other loss (7 CFR 250.14). To prevent loss due to theft or vandalism, it is important that storage areas be secured. RDAs must implement procedures and controls to meet security needs according to the accessibility and design of the storage facilities. Control procedures should be open and visible to the public and staff. It is not in a RDA’s best interest to “catch” a wrongdoer, as much as it is to “discourage” wrongdoing before it happens.

Upon discovery of a theft or loss due to vandalism or other criminal act, the RDA must:

- Notify NDA by phone for specific instructions
- Complete a USDA Foods Loss Report (FLR), including the following information:
 - Type and quantity of product.
 - Insurance coverage, including the claim potential.
 - Circumstances regarding security at the time of break-in.

NDA is an equal opportunity provider

- A copy of the police report.
- Current security status, repairs, and/or action taken.
- Any other information necessary or helpful in making a claim determination.
- Email the FLR to the appropriate agency immediately after loss – NDA in the case of an RDA, the contracted RDA in the case of a SDA and LDA. See Appendix – USDA Foods Loss Report (FLR)

13.2-Liability:

NDA is required to take action to obtain recovery upon the occurrence of any event creating a claim in favor of NDA against a RDA, warehouseman, carrier, or another person, for the improper distribution, use, or loss of, or damage to a USDA donated food (7 CFR 250.16).

13.3-Replacement by RDA:

In the event of loss of USDA donated foods due to improper storage, improper distribution and/or use, neglect, or damage at the fault of the RDA, the RDA will be responsible for full replacement of the USDA foods. Replacement may be either food of similar type and quality, or cash payment to TEFAP.

All TEFAP donated food loss must be recorded and maintained in the RDA's records. Food loss valued at \$500 or more must be reported to NDA, food value is determined by using the USDA purchase price available in WBSCM. Initial notification to NDA may be done via a telephone call or email, forewarning of a TEFAP USDA donated food loss, and advising that the written report will follow.

For any loss over \$500 and for those as a result of theft, fraud, embezzlement or willful misapplication, the RDA must file a written USDA Foods Loss Report with NDA within 3 to 10 business days after the occurrence of the loss in order to fully satisfy the reporting requirements.

If the value of the loss of TEFAP USDA donated food is more than \$500, NDA has the discretion to determine whether or not the RDA must replace the loss, by either similar replacement or cash payment. If the value of the loss of TEFAP USDA donated food is greater than \$100,000, USDA will determine the RDA's obligation and method of replacement.

RDAs shall be responsible for any improper distribution or improper use of TEFAP foods, or for any loss of, or damage to TEFAP foods caused by the actions, lack thereof, or negligence of the RDA or its SDAs or LDAs.

Section 14 – Disposal Rules and Procedures

14.1-Disposal Authorization:

USDA donated foods must not be sold, exchanged, or disposed of without approval from

NDA is an equal opportunity provider

USDA and NDA (7 CFR 250.1). Therefore, RDAs may not dispose of **any** USDA foods at their own discretion. RDAs must get written authorization from NDA to dispose of TEFAP USDA donated foods.

The same steps mentioned in section 13.3 should be followed to obtain authorization to dispose of USDA foods

14.2-Disposal Records:

RDAs must document each authorized disposal on the FLR as to how the food was destroyed. The RDA must maintain a copy of the FLR for inventory audit purposes.

Section 15 – Records and Reports

15.1-Required Records:

RDAs must maintain NDA-required fiscal and accounting records documenting the amount of funds received and costs incurred. These records must be maintained in accordance with generally accepted accounting principles.

15.2-Reports Required of SDAs and LDAs:

- Each household distribution site must collect the signature of the household member receiving TEFAP USDA donated food, address of the household (to the extent practicable), and basis for determining eligibility (7 CFR 251.10).
- **Monthly Inventory & Participation Report (MIPR)** All SDAs and LDAs must complete this report by the 15th of the following month and return it to their RDA. This report provides detailed information regarding disposition of inventory and participation statistics. Information from this report is accumulated by the RDA and entered onto the RDAs Monthly Distribution Report.

15.3-Reports Required of RDAs:

NDA requires RDAs to submit the following reports:

- **Monthly Distribution Report (MDR)** A monthly report sent to FND in an extractable format or Excel consisting of the number of pounds and value of food distributed by county of USDA Foods (TEFAP), purchased food, and all other donated food. This report must be submitted to FND no later than 30 days following the end of the month. See Appendix – Monthly Distribution Report (MDR)
- **RDAs List of Distribution Sites-** a quarterly updated SDA and LDA list shall be submitted no later than the 30th day following each month. If there are no changes or updates to the information provided the previous month, submit an email indicating no changes. See Appendix – RDA List of Distribution Sites (LDS)
- **Corrective Action Plan Status or Completion Reports** – RDAs must submit to the NDA status or completion reports as scheduled according to corrective action plans required as the result of a processed complaint, monitoring report, review report, or as

NDA is an equal opportunity provider

requested by NDA.

15.4-Retention of Records:

USDA requires that records be kept on file for three years from the close of the FY to which they pertain, or longer in the case of audit or investigation. NDA may take physical possession of such records on behalf of their RDAs. Records must be reasonably accessible at all times for use during management evaluation reviews, audits, or investigations (7 CFR 251.10).

Section 16 – Compliance Monitoring, Accountability and Training

16.1-USDA Reviews:

The Food and Nutrition Service (FNS) of USDA reviews state agencies, RDAs, SDAs and LDAs at random. Rarely, these are unannounced visits of which, neither NDA, nor RDAs, are notified in advance.

With FNS approval, site reviews conducted by the Western Regional Office may be counted toward the total number of reviews that NDA is required to perform annually. The Secretary of Agriculture, or any of their duly authorized representatives, may:

- Inspect and inventory donated foods in storage;
- Inspect the facilities used in the handling or storage of such donated foods;
- Inspect and audit all records, including financial records, and reports pertaining to the distribution of donated foods;
- Review or audit the procedures and methods used in carrying out the requirements at any reasonable time (7 CFR 250.18).

16.2-NDAs Reviews of RDAs:

NDA is required to monitor the operation of TEFAP to ensure that it is being administered in accordance with Federal and State requirements. NDA must review, **at a minimum**, 25 percent of all RDAs that have an agreement with NDA annually, and review all such RDAs at least once every four years (7 CFR 251.10). See Appendix - TEFAP Review Form for RDA.

Of the RDAs that have agreements with other ERAs (SDAs and LDAs), NDA must review one-tenth or twenty; whichever is fewer, each year (7 CFR 251.10). See Appendix - TEFAP Review Form for SDA and Appendix - TEFAP Review Form for LDA

The minimum Federal requirement of NDA reviews of RDAs, SDAs and LDAs must be conducted, to the maximum extent feasible, during actual distribution of USDA foods or meal service, and determination (7 CFR 251.10). NDA may, at its discretion, also review SDAs and LDAs at times other than during distributions.

NDA reviews of RDAs, SDAs and LDAs must include:

- Eligibility determinations, including a review of procedures and controls to ensure that

NDA is an equal opportunity provider

- distribution sites are complying with eligibility guidelines.
- Food ordering procedures;
 - Storage and warehousing practices, including inspection of off-site and/or commercial storage facilities, for adequacy of space, pest control, health and safety requirements, and storage and handling procedures;
 - Inventory controls, including review of perpetual inventory records, records of issuance to and return from distribution sites, and annual physical inventory review;
 - Approval of distribution sites to ensure proper and equitable selection of sites in order to meet the needs of the population;
 - Reporting and recordkeeping requirements, including review of accounting records and documentation in support of claims submitted;
 - Civil rights and non-discrimination procedures/training (7 CFR 251.10);
 - Evaluation of the degree to which the ERA is serving its eligible needy population within its assigned service area without monetary or other charge;
 - Evaluation of program outreach, advertising, and notification methods to ensure that all eligible recipients are advised of distribution times and locations;
 - Evaluation of compliance with household participation data collection and reporting requirements.
 - Maintain annual list of ERA's to be used in two-fold assessment of annual reviews. One half of the ERA's will be reviewed based on a risk-based approach and a random sample will be used on the other half. (FD-124 Determining local agency reviews)

NDA will submit a report no later than 30 days following the date of the exit conference. In cases where deficiencies are found, NDA will produce a report for the RDA that includes a description of each deficiency found and contributing factors, requirements for corrective actions, and timetable for completion of corrective action (7 CFR 251.10).

16.3-RDA Reviews of SDAs and LDAs:

RDAs must conduct a Pre-Award Compliance Review prior to SDAs or LDAs receiving TEFAP food as required by USDA and FNS 113-1. This review can be a desk or onsite review of the civil rights information available for program applicants. This review must be documented and maintained in appropriate files. See Appendix – Sample Civil Rights Pre-Award Compliance Forms

16.4-Corrective Action Plans:

RDAs, or their SDAs and/or LDAs shall be required to correct all deficiencies noted during monitoring, review or inspection activities. Failure to submit a corrective action plan or acceptable justification for not taking corrective action to NDA may result in the withholding of payments, being deemed in breach or default, or termination of the contract documents. NDA will review and approve corrective action plans prior to implementation. RDAs are required to respond to any findings that require correction within 30 days of receipt of the corrective action

NDA is an equal opportunity provider

report.

16.5-NDA Accountability:

NDA is accountable to USDA for the proper recording and usage of all TEFAP funds and foods allocated to the State of Nevada.

16.6-RDA Accountability:

RDAs are accountable to NDA and USDA for adherence and compliance with all laws, rules, regulations, usage of all awarded TEFAP funds and foods, policies and procedures set forth by USDA or NDA in manuals, letters and other correspondence.

When not specifically outlined in Federal regulation or State policy, RDAs should follow generally accepted, industry-wide practices for recordkeeping, storage, warehousing, inventory and other responsibilities of the RDA.

SDAs and LDAs are equally accountable to NDA, the RDA and USDA for compliance and adherence to all laws, rules, regulations, policies and procedures set forth by USDA or NDA in manuals, letters and other correspondence, as is any ERA.

16.7-Training:

RDAs will provide annual training to their staff, SDAs staff and LDAs staff on TEFAP regulations, policies, rules and contractual requirements; as well as civil rights laws, policies and filing complaints. For each training session, the RDA must maintain a list of attendees and a copy of the agenda of subjects covered. RDAs are strongly encouraged to use NDAs provided Civil Rights training, if the RDA chooses to use a different Civil Rights training, they must submit to NDA for approval prior to conducting the training.

RDA Civil Rights training to SDAs and LDAs staff must include the following as applicable:

- Collection and use of data,
- Effective public notification systems,
- Complaint procedures,
- Compliance review techniques,
- Resolution of noncompliance,
- Requirements for reasonable accommodation of persons with disabilities,
- Requirements for language assistance,
- Conflict resolution,
- Customer service

SDAs and LDAs are required to provide TEFAP program and civil rights training to their staff and volunteers who work with TEFAP on an annual basis. SDAs and LDAs are strongly

NDA is an equal opportunity provider

encouraged to use NDAs Civil Rights training. If they choose to use a different civil rights training the information must be submitted to NDA for approval prior to conducting the training. Volunteers or staff who do not handle personal information and have limited or infrequent interaction with program applicants and participants may complete the *Limited Interaction Civil Rights Training* in place of attending a training. For additional information on civil rights training requirement for volunteers, please review Policy Memo No. FD-113 at the link below:

https://www.fns.usda.gov/sites/default/files/pmfd113_CSFP_FDPIR_TEFAP-CivilRightsTrngReqforVolunteers_0.pdf

Section 17 – TEFAP Funding Usage and Accounting

17.1-Reimbursement:

RDAs are entitled to receive reimbursement for expenses directly related to their administration of TEFAP in their region; (7 CFR 251.8(e)).

RDAs are expected to maintain sufficient revenue sources other than USDA funds that would allow for consistent, effective, and efficient distribution of TEFAP foods throughout its service area, even if TEFAP administrative funds are insufficient or not available.

17.2-Expenditure Reimbursement:

RDAs must maintain NDA required fiscal and accounting records documenting the amount of funds received and costs incurred. These records must be maintained in accordance with generally accepted accounting principles.

RDAs shall use the approved designated Reimbursement for Expense Request form for TEFAP related expenses. RDAs must submit the payment request form together with supporting documentation regarding amounts of TEFAP food distributed during the month. The form must be received by the Department no later than 45 days following the month in which the distributions were made. See Appendix -Reimbursement for Expense Request

The definition of direct expenses is revised to include both direct and indirect costs attributable to TEFAP (7 CFR 251.8). Allowable costs are those that are necessary, reasonable, and allocable for proper and efficient administration of the TEFAP program, including the handling and distribution of TEFAP foods. RDAs must also provide procedures for determining reasonable and allowable expenses (2 CFR 200).

Direct and indirect allowable costs for TEFAP expenses, as outlined in Federal regulations, include:

- Intrastate transportation, storage, handling, distribution, repackaging, and processing;
- Salaries of persons directly administering program and program-related expenses;
- Fringe benefits and travel expenses;

NDA is an equal opportunity provider

- Rent and utilities;
- Accounting, auditing, and other administrative services;
- Computer services;
- Costs related to providing program services to SDAs or LDAs to RDAs, i.e., technical assistance and workshops;
- Costs associated with determination of eligibility, verification and documentation;
- Costs associated with providing information to persons receiving USDA TEFAP donated foods regarding proper storage and preparation;
- Costs for publications about times and locations of distributions (251.8);
- Meals provided to volunteers, i.e., non-salaried staff, for services rendered during the distribution of USDA donated foods. Meal cost must be reasonable (reflect the cost of an average meal) and adequately documented with volunteer's name, hours worked, receipts, invoices, or other evidence of the cost of providing meals, and the volunteer's signature for each meal received.
- Additional allowable cost can be found in FNS Instruction 716-3.

An RDA may not rent equipment from itself, but it may charge a use fee or a depreciation allowance in accordance with Internal Revenue Service guidelines and generally accepted accounting principles (see Federal OMB Circular A-87 for details).

TEFAP funds can be used for processing, transporting, storing, handling, and distributing both USDA and non-USDA food of ERAs; however, priority is given to USDA food (7 CFR 251.8). RDAs must obtain prior approval from NDA before claiming these costs. Only costs approved by NDA will be allowable for reimbursement.

17.3- Capital/Equipment Expenditures:

Equipment or any other item in excess of \$5,000 purchased with TEFAP monies becomes the property of USDA, and may not be given, traded or sold without permission from NDA. Capital Expenditures/Equipment is defined as a single item valued over \$5,000. RDA must submit three quotes and receive prior approval from NDA prior to the purchase of equipment or item in excess of \$5,000.

RDAs must keep separate accounting records for all capital/equipment expenditures. These records must be easily accessible for review by NDA and USDA staff.

17.4-Administrative and Maintenance Fees:

RDAs must not charge any SDA and/or LDA any type of administrative, maintenance, transportation/delivery or similar fee, for TEFAP foods, or require any SDA or LDA to acquire any other foods from the RDA in order to receive TEFAP foods.

Section 18 – Program Complaints

NDA is an equal opportunity provider

18.1-Program Complaint Investigation:

NDA shall investigate promptly complaints received in connection with the distribution or use of USDA donated foods. Irregularities that are disclosed must be corrected immediately. Serious irregularities must be reported to USDA. NDA shall maintain on file evidence of investigations and actions. USDA reserves the right to make investigations and have the final determination as to when a complaint has been properly handled.

18.2-Legislative and Food and Consumer Services (FNS) Inquiries:

RDAs must respond to NDA as required in a timely manner to inquiries NDA receives from the Legislature, FNS, the public and other sources.

18.3-Program Complaints Received by ERAs:

When an RDA, SDA or LDA encounters a problem or receives a complaint that cannot be rectified at the local level, the RDA must immediately notify the NDA TEFAP Specialist by email or by phone. The initial notification must be followed by a detailed written report of the problem or complaint, which must immediately be forwarded to the NDA TEFAP Specialist by email. NDA will issue instructions and recommendations on a case-by- case basis.

All complaints are researched. If evidence of wrongdoing is discovered, the RDA is informed and is then required to submit a corrective action plan to NDA. If the NDA does not approve the submitted plan, NDA may require the RDA to revise the plan or may prepare its own plan that the RDA is required to implement. If no evidence of impropriety or wrongdoing is found, NDA will prepare a report of findings and explanations. In every case, the complainant and the RDA will receive a response from NDA.

18.4-TEFAP Food Complaints:

Complaints about TEFAP food must be handled immediately to prevent use of foods that may be unfit for human consumption. If a complaint is received, the RDA must:

- Immediately place all remaining product involved in the complaint on hold.
- Immediately contact NDA by phone or email and provide the following information:
 - A description of the problem, including any known incidents or facts involved, such as injury or sickness;
 - Delivery Order or Notice to Deliver number(s) of the product(s);
 - Initial amount of product involved and amount of remaining product on hold;
 - Date the product was received by the RDA and the package date, which should be printed on the outside of the case;
 - Temperature at which the product was stored and the temperature conditions of distribution;
 - Name of person at RDA to contact for investigation and follow-up.
- Complete and forward to NDA a written report containing the information above.

NDA is an equal opportunity provider

As soon as USDA determines the complaint is of a serious nature, NDA will inform USDA of all the specific information supplied by the RDA. It is imperative that all reports be complete and accurate. With complaints of a serious nature, USDA will decide the appropriate course of action. This may include certain tests, such as lab analysis, or a re-inspection of the product. USDA will also maintain close contact with NDA until the complaint is resolved.

Section 19 – Farm to Food Bank

19.1-Farm to Food Bank definition:

Farm to Food Bank Projects are defined as harvesting, processing, packaging or transportation of unharvested, unprocessed, or unpackaged commodities donated by agriculture producers, processors, or distributors for use by emergency feeding organizations under section 203D of the Emergency Food Assistance Act of 1983 (7 CFR 251.10(j)).

19.2-Allocation of funds:

Funds are allocated by FNS to States on an annual basis and may only use funds made available for the costs of carrying out a Farm to Food Bank project. Funds are available for one year from date of allocation. Food Banks and/or Local agencies may submit projects to NDA for approval. NDA will review and award projects on an annual basis and as funding allows.

Project funds may only be used for costs associated with harvesting, processing, packaging, or transportation of unharvested, unprocessed, or unpackaged commodities donated by agriculture producers, processor, or distributors for use by emergency feeding organizations.

Project funds cannot be used to purchase foods or for agricultural production activities such as purchasing seeds or planting crops.

19.3-State Match

The State must provide cash or in-kind match equal to the amount of funding received. Emergency feeding organization contributions are allowable to meet this requirement. Contributions must only be for costs which would otherwise be allowable as a Farm to Food Bank project cost. Donations of foods cannot count toward the match requirement.

19.4-Farm to Food Bank Projects:

Farm to Food Bank projects must have a purpose of

- Reducing food waste at the agricultural production, processing, or distribution level through the donation of food.
- Providing food to individuals in need.
- Build relationships between agricultural producers, processors and distributors and emergency feeding organizations through the donation of food.

19.5-Reporting Requirements:

Each State agency to which Farm to Food Bank Project funds are allocated for a fiscal year must submit a report describing use of the funds. The data must be identified on form SF-425, Federal

NDA is an equal opportunity provider

TEFAP Policies and Procedures Manual

Food and Nutrition Division



Financial Report, and submitted to the appropriate FNS Regional Office on a semiannual basis. The report must be submitted no later than 30 calendar days after the end of the period 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 (7 CFR 251.10(6)).

NDA is an equal opportunity provider

405 South 21st St.
Sparks, NV 89431

2300 East St. Louis Ave.
Las Vegas, NV 89104

4780 East Idaho St.
Elko, NV 89801

APPENDIX

TEFAP Forms, Charts and Agreements

This section contains the forms and charts that are available for use by the Eligible Recipient Agencies; and agreements to be used between RDAs and Distributing Agencies. Forms should be saved in an extractable format (if it is a spreadsheet) and transmitted electronically to the NDA. It should include the Regional Distributing Agency name, report name, month, and year.

Forms completed by the Distribution Sites and required posting:

- **USDA Food Loss Report (FLR)** – This form must be completed within 3-10 days of discovery of any TEFAP food loss and submitted to NDA.
- **Monthly Inventory and Participation Report (MIPR)** – This form must be complete as of the last business day of the month and transmitted to your RDA by the 15th of the following month.
- **USDA Food Transfer Report (FTR)** - This form must be initiated by the transferring ERA then emailed to the receiving agency immediately after transfer of product. The receiving ERA must complete the report and email to NDA within 5 days of receipt of product.
- **RDA List of Distribution Sites (LDS)** – This list should include all ERAs that the RDA distributes donated or USDA TEFAP foods. This form should be completed by the RDA as of the last business day of the each month and emailed to NDA by the 5th of the following month. If there aren't any changes to list, RDA shall email NDA stating that the list is current and there aren't any changes.
- **NDA Permanent Agreement with RDA** – Agreement between NDA and RDA, must be signed by an authorized representative of the agency.
- **RDA Sample Agreements with Sub-Distributing and Local Distributing Agencies-** RDAs must have a signed agreement with SDA/LDA prior to distributing donated foods and/or administrative funds.
- **Monthly Distribution Report (MDR)** – This report is completed monthly by RDAs to indicate number of pounds and value of food distributed including TEFAP, purchased and other donated foods. This form must be completed and electronically transmitted to NDA by the 30th day of the following month.
- **Certification of Eligibility** – This form is to be used to determine if the eligibility criterion was met and certify individuals to be recipient of TEFAP donated food. English and Spanish versions are available.
- **TEFAP Household Income Eligibility Criteria (HCF) Chart** - The Income Eligibility Guidelines chart lists the income limits for households receiving TEFAP commodities and is revised annually upon release of the Federal Poverty Guidelines. This chart must

NDA is an equal opportunity provider

be made available to all potential eligible recipients.

- **Authorized Representative** – This form authorizes pickup of commodities by a person designated by recipient.
- **Reimbursement for Expense Request (RER)** – This form is used by RDAs to request reimbursement for distributing TEFAP food and administration of the program.
- **TEFAP Compliance Review Form for RDA** – The form that NDA uses to conduct reviews for RDAs.
- **TEFAP Compliance Review Form for SDA and LDA** - The form that NDA uses to conduct reviews for SDAs and LDAs
- **USDA Food Receiving Report** – The form that RDAs will use when receiving USDA food.
- **USDA “And Justice for All Posters”**- This poster must be posted at all TEFAP distribution sites.
- **USDA Program Discrimination Complaint Form (DCF)**-This form and/or the instructions for filing online is to be made available to anyone wanting to file a discrimination complaint against a RDA, SDA or LDA. The link for the Program Discrimination Complaint form:
https://www.ascr.usda.gov/sites/default/files/Complain_combined_6_8_12_508_0.pdf

All agencies dispensing a DCF must maintain a log of persons receiving the DCF and notify their RDA (for LDA AND SDAs). The RDAs will notify NDA that a DCF was issued and the potential for a discrimination complaint. RDA is responsible to document any and all statements and maintain a file.

NDA is an equal opportunity provider