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# DEPARTMENT OF ECONOMIC SECURITY

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*Your Partner For A Stronger Arizona*

## Arizona

# The Emergency Food Assistance Program (TEFAP)

## Policies and Procedures Manual



Coordinated Hunger Relief Program (CHRP)

Updated November 2024

# CONTENTS

## State Contact Information

## Use of Manual

## Terms and Acronyms Defined

## State and Federal Resources

### Section 1: Program Description and History

- The Emergency Food Assistance Program

### Section 2: State Plan and Program Administration

- State Plan
- Program Administration Responsibilities

### Section 3: Allocation and Transfer of USDA Foods

- USDA Funding Formula for States
- ADES/CHRP Funding Formula for RFBs
- State Matching Funds
- USDA Food Allocation to States
- ADES/CHRP USDA Food Allocation to RFBs
- USDA Two-Tier Priority System Requirements
- RFB USDA Food Allocation to Distribution Sites
- Allocation to Avoid Waste
- USDA Food Transfers

### Section 4: Recipient Organization Eligibility and Participation Criteria

- Tax Exempt Status
- Eligible Recipient Organizations
- Distributions Sites

### Section 5: Organizational Contracts, Agreements and Terminations

- Contract Between USDA and the State
- Agreement Between the State and Regional Food Bank
- Termination of Agreement Between the State and Regional Food Bank
- Agreement Between Regional Food Banks and Distribution Sites
- Termination of Distribution Site
- Transfer of Responsibility

### Section 6: Civil Rights Requirements

- Regulations Regarding Protected Bases
- Public Notification
- Limited English Proficiency (LEP)
- Civil Rights Training
- Complaints and Reporting
- Complaint Timeline

### Section 7: Participant Eligibility Criteria

- Participant Eligibility Criteria

## **Section 8: Distribution Guidelines and Procedures**

- Frequency and Rate of Distribution
- Distribution Site Guidelines and Procedures
- Proxies

## **Section 9: Participant Data Collection and Confidentiality**

- Link2Feed
- Annual Client Satisfaction Survey
- Mass Distributions
- Confidentiality

## **Section 10: Shipment and Receipt of USDA Foods**

- Shipping and Notifications
- Delivery
- Inspecting the Shipment
- Accepting and Receipting Shipments
- Unloading the Shipment
- Disposal and Replacement of Out-of-Condition Foods

## **Section 11: Receiving Local Donations into TEFAP**

- Receipt and Distribution Procedure

## **Section 12: USDA Foods Storage and Inventory**

- Federal Regulatory Storage Requirements
- Arizona Specific Storage Requirements
- Inventory
- USDA Food Losses, Spoilage and Out-of-Condition Food
- Recall Procedure
- Disposal Rules and Procedures

## **Section 13: Record Keeping and Reporting**

- Records
- RFB Required Reports
- Distribution Site Required Reports

## **Section 14: Administrative Funding, Usage and Accounting**

- Use of Funds
- Financial Management Requirements
- Program Audits

## **Section 15: Compliance Monitoring and Accountability**

- USDA Reviews
- ADES/CHRP Reviews of RFBs
- RFB Reviews of Distribution Sites/Congregate Meal Sites

## **Section 16: Forms and Documents**

- ADES/CHRP Forms and Documents

## State Contact Information

**State Agency:** Arizona Department of Economic Security (ADES)  
Child and Community Services Division (CCSD)  
Coordinated Hunger Relief Program (CHRP)

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## Use of Manual

The Arizona Department of Economic Security (ADES) Coordinated Hunger Relief (CHRP) The Emergency Food Assistance Program (TEFAP) Policies and Procedures Manual is intended for the use of Regional Food Banks (RFBs), their agency distribution sites (DSs) and congregate meal sites (CMSs) that participate in the distribution of the United States Department of Agriculture (USDA) food distribution. The purpose of this manual is to serve as a guide for the Code of Federal Regulations (CFRs), Federal and Nutrition Service (FNS) policies pertaining to TEFAP as well as outline discretionary state policies and procedures for program implementation by RFBs and DSs.

The Code of Federal Regulations (CFR) (TITLE 7 CFR, Subtitle B, Chapter II, Subchapter B, Parts 250 and 251) outlines the government program requirements for TEFAP. Throughout this manual, parenthetical notations are provided for all references to the Code of Federal Regulations.

The Code of Federal Regulations can be found at <https://www.ecfr.gov>

This Policies and Procedures Manual is a living document in that it contains current TEFAP policies and procedures required by the USDA and ADES. CHRP may clarify or add policies and procedures as situations arise in the field that prompt the need for further interpretation and/or greater program structure or if any changes in CFRs occur. In keeping with the CFR approach toward simplification and flexibility, this manual, in some instances, provides the spirit of certain policies and procedures rather than dictations as to how to meet the law to allow for discretion at the local level. ADES/CHRP's primary mission is to distribute USDA foods to the agencies, households, and individuals in need of food assistance and to treat our participants with dignity and respect.

It is the responsibility of TEFAP Regional Food Banks to:

- Read this manual carefully and apply the policies and procedures herein with good judgment
- Stay current with subsequent ADES/CHRP policy and information notices issued after the creation of this manual and adhere to the policies and procedures therein
- Contact the Coordinated Hunger Relief Program when further clarification is needed

## Terms and Acronyms Defined

<b>7 CFR §250</b>	The USDA's regulations pertaining to the donation of foods for use in USDA food distribution programs.
<b>7 CFR §251</b>	The USDA's regulations pertaining to The Emergency Food Assistance Program.
<b>AAC</b>	Arizona Administrative Code
<b>ADE</b>	Arizona Department of Education
<b>ADES</b>	Arizona Department of Economic Security
<b>ADHS</b>	Arizona Department of Health Services
<b>AHCCCS</b>	Arizona Health Care Cost Containment System
<b>Applicant</b>	Any person who applies in writing, electronically, verbally, or through a designated representative for participation in an FNS federally assisted or conducted program. Applicants include CSFP program participants applying for recertification.
<b>Bonus Foods</b>	Section §32, Section §416, and Section §709 donated foods which are purchased under surplus removal or price support authority and provided to RFBs in addition to legislatively authorized levels of assistance.
<b>Bill of Lading (BOL)</b>	Documentation of the contents of a shipment and other pertinent information as required in the contract of carriage.
<b>Bulkhead</b>	A divider wall used to separate shipments inside a commercial trailer.
<b>Carrier</b>	A commercial enterprise that transports USDA Foods from one location to another but does not store such foods.
<b>CCSD</b>	Child and Community Services Division
<b>CFR</b>	Code of Federal Regulation
<b>Charitable Institution</b>	An organization which is: <ol style="list-style-type: none"><li>1. Public, or</li><li>2. Private, possessing tax-exempt status pursuant to §251.5(a)(3); and</li><li>3. Not a penal institution (this exclusion also applies to correctional institutions which conduct rehabilitation programs); and Provides food assistance to needy persons (§251.3).</li><li>4. Provides food assistance to needy persons.</li></ol>
<b>CHRP</b>	Coordinated Hunger Relief Program of Arizona
<b>Civil Rights</b>	The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.
<b>CMS</b>	Congregate Meal Site
<b>USDA Foods</b>	Nutritious foods purchased by the USDA to supplement the diets of program participants. Also, Foods donated, or available for donation, by USDA under any of the legislation pertaining to Title 7 CFR, Parts §247, §250, and §251 (§250.3).

<b>Complainant</b>	Any person or group of persons who allege discrimination in the delivery of program benefits or services by a state agency, local agency (RFB) or other subrecipient.
<b>Complaint</b>	A verbal or written allegation of discrimination that indicates an FNS-conducted or -assisted program is administered or operated in such a manner that it results in disparity of treatment or services being provided to persons or groups of persons because of their protected bases.
<b>Congregate Feeding Site</b>	A public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis. Also referred to as a soup kitchen.
<b>Consignee</b>	The receiving RFB (also known as eligible recipient agency) to which USDA foods are shipped. Sometimes referred to as the receiver.
<b>Contract Value</b>	The price assigned by the USDA to a donated food which must reflect the USDA's current acquisition price. This may alternatively be referred to as the USDA purchase price.
<b>DBME</b>	Division of Benefits and Medical Eligibility
<b>Demurrage</b>	A penalty charge assessed for product delayed beyond a specified free time.
<b>Department</b>	The U.S. Department of Agriculture
<b>Detention Charge</b>	A penalty charge assessed by motor carriers or piggyback companies for detaining equipment beyond a specified free time. Mechanical detention occurs when rail cars are detained beyond a specified free time.
<b>Disability</b>	A physical or mental impairment that substantially limits one or more of an individual's major life activities, having a record of such impairment, or being regarded as having such an impairment.
<b>Disaster</b>	A Presidentially declared disaster or emergency, in accordance with Section §412 or §413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179-5180), in which Federal assistance, including donated food assistance, may be provided to persons in need of such assistance as a result of the disaster or emergency.
<b>Disaster Organization</b>	An organization authorized by FNS or the state officials to aid survivors of a disaster or a situation of distress.
<b>Discrimination</b>	The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected bases.
<b>Distribution Site</b>	A location that is authorized to distribute TEFAP packages, or serve meals containing TEFAP foods.
<b>Donated Foods</b>	Foods purchased by the USDA for donation in food assistance programs, or for donation to entities assisting eligible persons, in accordance with legislation authorizing such purchase and donation. Donated foods are also referred to as USDA Foods.
<b>Dunnage</b>	Material used to protect or support freight during transit.
<b>Emergency Feeding Organization (EFO)</b>	An organization which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and

unemployed persons. Emergency feeding organizations have priority over other local agencies in the distribution of TEFAP foods pursuant to §251.4(h).

<b>Emergency Food Box (EFB)</b>	A supply of emergency food which consists of USDA TEFAP foods, private donations, gleaned or purchased food for eligible household or individual home use.
<b>Federal Fiscal Year (FFY)</b>	The period of October 1 through the following September 30.
<b>FPL</b>	Federal Poverty Level
<b>Floor Loaded</b>	USDA foods that are not on pallets, including slip-sheeted and floor stacked.
<b>FNS</b>	Food and Nutrition Service
<b>Food Insecurity</b>	A household-level economic and social condition of limited or uncertain access to adequate food.
<b>Food Pantry</b>	A public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress. Also referred to as a Local Agency.
<b>Food Recall</b>	An action to remove food products from commerce, warehouses or storage spaces when there is reason to believe the products may be unsafe, adulterated, or mislabeled. The action is taken to protect the public from products that may cause health problems or possible death.
<b>Food Security</b>	Access by all people at all times to enough food for an active, healthy life.
<b>Fraud</b>	The deliberate practice of deception in order to gain something unlawfully or unfairly.
<b>Free Time</b>	The amount of time established by carriers for the unloading of freight before penalty charges apply.
<b>Gross Income</b>	The total of income received prior to deductions for items such as income taxes, employees' social security taxes and insurance premiums.
<b>Gross Weight</b>	The weight of an article, together with the weight of its container and the material used for packing.
<b>Household</b>	Any of the following individuals or groups of individuals, exclusive of borders or residents of an institution: <ol style="list-style-type: none"><li>1. An individual living alone;</li><li>2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;</li><li>3. A group of individuals living together who customarily purchase and prepare meals in common for home consumption; and</li><li>4. Other individuals or groups of individuals, as provided in FNS regulations specific to particular food assistance programs.</li></ol>
<b>Household Programs</b>	Programs that provide USDA Foods to participants for home consumption
<b>Hunger</b>	A potential consequence of food insecurity that, because of prolonged, involuntary lack of food, results in discomfort, illness, weakness or pain that goes beyond the usual uneasy sensation.

<b>In-kind Replacement</b>	The replacement of a loss of donated food with the same type of food of U.S. origin, of equal or better quality as the donated food, and at least equal in value to the lost donated food.
<b>Investigation</b>	Formal gathering of facts by the appropriate Office of Civil Rights (OCR) or other authorized government agency or private contractor that will refute or substantiate an allegation of discrimination.
<b>IRS</b>	U.S. Department of the Treasury Internal Revenue Service
<b>Lading</b>	The freight which consists of a load.
<b>Limited English Proficiency (LEP) Persons</b>	Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Recipients of Federal financial assistance (State, RFBs, DSs, etc.) have a responsibility to take reasonable steps to ensure meaningful access to their program and activities by person(s) with limited English proficiency.
<b>Link2Feed</b>	The internet-based platform used to collect participant information and distribution data.
<b>Local Agency</b>	An organization which is: <ol style="list-style-type: none"> <li>1. Public, or</li> <li>2. Private, possessing tax exempt status pursuant to §251.5(a)(3); and</li> <li>3. Not a Penal Institution; and</li> <li>4. Provides food assistance <ol style="list-style-type: none"> <li>a) exclusively to need persons for household consumption who self-declare eligibility requirements (§251.5 (b))</li> <li>b) predominantly to needy person in the form of prepared meals (§251.5(a)(2))</li> </ol> </li> <li>5. In an agreement with an RFB pursuant to §251.2(c) for the receipt of USDA foods</li> <li>6. Falls into one of the following categories: <ol style="list-style-type: none"> <li>a) Emergency feeding organization (food bank, food pantries and soup kitchens);</li> <li>b) Charitable Institutions (including hospitals and retirement homes);</li> <li>c) Summer camps for children, or child nutrition programs providing food service;</li> <li>d) Nutrition projects operating under the Older Americans Act of 1965 (Nutrition Program for the Elderly), including projects that operate congregate Nutrition sites and projects that provide home-delivered meals; and</li> <li>e) Disaster relief programs.</li> </ol> </li> </ol>
<b>Lumper Fee</b>	A fee assessed by a carrier to the consignee or vice versa for unloading a shipment. Lumper fees are not permitted when receiving USDA Foods.
<b>Multi-food Shipment</b>	A shipment from a Federal storage facility that usually includes more than one type of donated food.
<b>National Multi-food Warehouse (NMFW)</b>	A Federally contracted storage facility that includes more than one type of USDA Food.



<b>Needy Persons</b>	Persons provided service by charitable institutions, who, because of their economic status, need food assistance (§250.3).
<b>Net Weight</b>	The weight of an article; clear of packing and container.
<b>NOAA</b>	Notice of Adverse Action; a written notification mailed to a participant's address of record or given directly to a participant, explaining the details of a negative action taken on a participant's eligibility and an explanation as to their right to appeal the action through the fair hearing process.
<b>Noncompliance</b>	The finding that any federal or state requirement, as interpreted by regulations, policy, state agency, local agency, or other subrecipient guidelines, has not been satisfied.
<b>Nonprofit Agency</b>	A private agency or organization with tax-exempt status under the Internal Revenue Code, or that has applied for tax-exempt status with the Internal Revenue Service.
<b>Out-of-Condition Foods</b>	Donated foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or damage.
<b>Pallet</b>	A small portable platform for holding material for storage or transportation.
<b>Pallet Exchange</b>	To trade pallets of equal quantity and quality for those delivered with shipment.
<b>Palletize</b>	To place USDA foods on a pallet.
<b>Participant(s)</b>	Persons receiving donated foods, or a meal containing donated foods, provided by RFB or Local Agency. May also be referred to as Recipients.
<b>Piggyback</b>	The transportation of a trailer or container on railroad flat cars.
<b>Pinwheeling</b>	The process of arranging pallets on a truck with varied positioning, when dealing with items of different sizes. Pinwheeling is not permitted for shipments originating from the National Multi-Food Warehouse.
<b>Pool Car</b>	A railcar that is loaded, sent to a trans-load or break-bulk point, and transferred into trucks for final delivery, usually to different locations.
<b>Privately Donated Products</b>	Products that are donated by private individuals and organizations to TEFAP.
<b>Protected Bases</b>	The bases for nondiscrimination are race, color, national origin, age, disability, or sex. SNAP and Food Distribution Program on Indian Reservations (FDPIR) also prohibit discrimination on the basis of political beliefs or religion.
<b>Proxy</b>	Any person designated by a program participant to obtain supplemental foods on behalf of the participant.
<b>Refused Shipment Request</b>	A State Agency request to FNS to refuse all or part of a shipment due to out-of-condition USDA Foods. FNS in turn notifies the appropriate Contracting Office. In cases of issues relating to the integrity of high security seals (see Inspecting the Shipment), shipments must be refused by the consignee.
<b>Rejected Shipment</b>	Official Contracting Office designation, upon consideration of a State Agency refused shipment request regarding out-of-condition USDA Foods.
<b>Regional Food Bank (RFB)</b>	An RFB is a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or

feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis. Also known as an eligible recipient agency or distributing agency.

<b>Sales Order</b>	An order for a specific USDA Food that includes the material description, quantity, delivery period, and destination, and that is identified by a specific code.
<b>Sales Order Number</b>	A state order number for a specific USDA food designating quantity, delivery period and destination.
<b>Seal</b>	A device applied to freight car or motor vehicle door fastening to show that tampering has not taken place between the time of application of fastening and breakage of seal.
<b>Similar Replacement</b>	Replacement of lost donated foods with a quantity of similar foods of U.S. origin of the same types as those normally donated by USDA and of at least equal monetary value to USDA's cost of replacing the lost foods (§250.3).
<b>Situation of Distress</b>	A natural catastrophe or other event that does not meet the definition of disaster but that in the determination of the State, or of FNS, as applicable, warrants the use of donated foods to assist survivors of such catastrophe or other event. A situation of distress may include, for example, a hurricane, flood, snowstorm or explosion.
<b>Slip Sheet</b>	A piece of material, intended to reduce friction between a product and commercial trailer floor, used in place of a pallet.
<b>SNAP</b>	Supplemental Nutrition Assistance Program. Formerly known as Food Stamps.
<b>Soup Kitchen</b>	A public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis. Also referred to as a congregate feeding site.
<b>Split Shipment</b>	A shipment of donated foods from a vendor that is split between two or more RFBs or Local Agencies and that usually includes more than one stop-off or delivery location.
<b>State</b>	State of Arizona
<b>State Agency</b>	ADES – the agency designated by the State of Arizona to administer TEFAP and CSFP at the State level in accordance with an agreement with FNS, and with the requirements in the Code of Federal Regulations, as applicable.
<b>State Fiscal Year (SFY)</b>	The period of July 1 through the following June 30.
<b>State Option</b>	Federally granted discretionary policy decisions enabling the State to adjust program requirements in the interest of targeting benefits to those most in need and streamlining program operations.
<b>State Plan</b>	The Annual State Plan of TEFAP administration and operations as submitted to and approved by USDA/FNS; also known as "Plan" or "the Plan."
<b>Storage Facility</b>	A publicly owned or nonprofit facility or a commercial enterprise that stores donated foods or end products, and that may also transport such foods to another location.
<b>Subrecipient</b>	Any agency, organization, or corporation that receives Federal financial assistance indirectly from FNS. Examples of subrecipients include but are not limited to agencies of regional food banks, congregate meal sites, or any organization that has a contract with RFB.

<b>SWRO</b>	Southwest Region Office of the USDA of which the State of Arizona is a part.
<b>Tailgate</b>	To move freight to the back end of the trailer for unloading.
<b>TANF</b>	Temporary Assistance for Needy Families; a Federal program designed to aid families in achieving self-sufficiency by providing financial benefits and support services to qualified households.
<b>Tariff</b>	A carrier's printed price list showing transportation charges and services.
<b>TEFAP</b>	The Emergency Food Assistance Program
<b>Unitize</b>	To band together and/or stretch or shrink-wrap cartons, cases, or bag goods into a single unit and place on a pallet or platform for shipping.
<b>Vendor</b>	A commercial food company from which the Department purchases foods for donation.
<b>WBSCM</b>	Web-Based Supply Chain Management, an integrated food purchasing, tracking and ordering system used by USDA and its customers, vendors, suppliers, and transportation personnel.
<b>WIC</b>	The USDA supplemental nutrition program for Women, Infants, and Children which provides Federal grants to states for supplemental foods, health care referrals, nutrition education for low-income pregnant, breastfeeding and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk.

## STATE AND FEDERAL RESOURCES

### State Resources

#### Arizona Department of Economic Security (ADES)

<https://des.az.gov>

#### ADES Food Assistance Programs

<https://des.az.gov/services/basic-needs/food-assistance>

#### ADES Adult Protective Services

<https://des.az.gov/services/basic-needs/adult-protective-services>

#### ADES Forms Library (Documents Center)

<https://des.az.gov/documents-center>

#### AZ Health Zone

<https://www.azhealthzone.org/>

#### Arizona CSFP My Plate Cookbook

<http://azdhs.gov/documents/prevention/nutrition-physical-activity/csfp-recipe-cookbook-eng.pdf>

#### AZLINKS.gov Aging and Disability Resources

<https://azdaars.getcare.com/consumer>

#### Area Agency on Aging local contacts

<https://des.az.gov/services/aging-and-adult/aging-and-disability-services/area-agency-aging>

#### Arizona Department of Health Services, Arizona Healthy Aging

<http://www.azdhs.gov/prevention/tobacco-chronic-disease/healthy-aging/index.php>

#### Multi-program benefits prescreening tool

<http://arizonaselfhelp.org>

#### Office of the Arizona Attorney General, Resources for Seniors

<https://www.azag.gov/seniors/resources-for-seniors>

#### Title 6 of the Arizona Administrative Code (Economic Security)

[https://apps.azsos.gov/public\\_services/CodeTOC.htm#ID6](https://apps.azsos.gov/public_services/CodeTOC.htm#ID6)

## **Federal Resources**

### **Recipes for Food Distribution (FDD) programs**

<https://www.choosemyplate.gov/eathealthy/recipes-cookbooks-and-menus>

### **USDA SNAP-Ed Connection website**

[https://snaped.fns.usda.gov/materials/search?f%5b0%5d=field\\_material\\_information%253Afield\\_rf\\_em\\_format%3A992&f%5b1%5d=field\\_snap\\_ed\\_intervention\\_chann%3A6](https://snaped.fns.usda.gov/materials/search?f%5b0%5d=field_material_information%253Afield_rf_em_format%3A992&f%5b1%5d=field_snap_ed_intervention_chann%3A6)

### **Nutrition.gov senior resources**

<https://www.nutrition.gov/topics/audience/older-individuals>

### **Choosemyplate.gov senior resources**

<https://www.choosemyplate.gov/browse-by-audience/view-all-audiences/adults/older-adults>

### **Code of Federal Regulations (CSFP)**

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-247>

### **Code of Federal Regulations (TEFAP)**

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-B/part-251>

### **FNS 113-1 (Civil Rights Compliance and Enforcement – Nutrition Programs and Activities)**

<https://www.fns.usda.gov/civil-rights-compliance-and-enforcement-%E2%80%93-nutrition-programs-and-activities>

### **FNS 709-5 Shipment and Receipt of Goods**

<https://www.fns.usda.gov/fdd/shipment-and-receipt-goods-fns-instruction-709-5>

## TEFAP Section 1: Program Description and History

### The Emergency Food Assistance Program (TEFAP)

TEFAP is a Federal program administered by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS). This program helps supplement the diets of low-income Americans by providing them with emergency assistance at no cost. The USDA purchases a variety of nutritious, high-quality USDA Foods, and makes those foods available to the Arizona Department of Economic Security (ADES). The amount of food that Arizona receives out of the total food available is based on the number of unemployed persons and the number of people with incomes below the poverty level in the State.

ADES / Coordinated Hunger Relief Program (CHRP) enters into contractual agreements with Regional Food Banks (RFBs) which in turn distribute the food to Local Agencies such as soup kitchens and food pantries that directly serve the public. These distribution sites (also known as local agencies) distribute USDA Foods to eligible recipients for household consumption or use them to prepare and serve meals in a congregate setting.

#### TEFAP History

TEFAP was first authorized in 1981 to distribute foods purchased by USDA to support agriculture markets for household use. The program was designed to help reduce Federal food inventories while assisting low-income persons. Food inventories had largely been depleted by 1988. Therefore, the Hunger Prevention Act of 1988 authorized funds to be appropriated for the purchase of USDA Foods specifically for TEFAP. Foods acquired with appropriated funds are in addition to any 'bonus' foods purchased by the USDA to support agriculture markets. The program was formally named The Emergency Food Assistance Program under the 1990 Farm Bill. TEFAP funding is now appropriated by Congress every five years through the Farm Bill.

## TEFAP Section 2: State Plan and Program Administration

### State Plan

The State Plan describes how ADES/CHRP will operate TEFAP. ADES/CHRP develops the State Plan and submits it to the USDA/FNS for approval. Approved State Plans are considered PERMANENT (i.e., a new plan is not required to be submitted each year). The plan must be approved prior to Federal assignment of caseload or distribution of administrative funds. Plan approval does not guarantee that USDA/FNS will provide caseload or funding. When changes to the Plan are required, ADES/CHRP may submit Plan amendments to USDA/FNS. The State Plan can be downloaded from the DES Documents Center ([des.az.gov/documents-center](http://des.az.gov/documents-center)).

### Program Administration Responsibilities

#### State Administration of USDA programs

ADES/CHRP is responsible for administering TEFAP at the State level. ADES/CHRP is also responsible for:

- Complying with civil rights requirements
- Completing and submitting State Plans to USDA/FNS
- Assigning TEFAP distribution and allocating administrative funds to RFBs
- Selecting RFBs to administer TEFAP in local areas of the State
- Entering into required agreements
- Ordering USDA foods for distribution
- Providing guidance to RFBs on all aspects of program operations, as needed
- Establishing program eligibility requirements, when the requirement is a State option
- Establishing procedures for resolving complaints about USDA foods
- Establishing a management review system (monitoring) and conducting reviews of RFBs
- Maintaining accurate and complete records

- Establish a financial management system that effectively accounts for funds received and distributed for program administration
- Establishing standards for, determining and pursuing claims against participants
- Ensuring compliance with Federal audit requirements
- Conduction program outreach

ADES/CHRP can delegate certain functions to RFBs. However, the establishment of State options and the management review system, along with conducting reviews, must remain at the State level (7 CFR, §247.3(b)).

### **Regional Food Bank Administration of USDA Programs**

RFBs are responsible for administering TEFAP at the local level. For RFBs, this includes selecting and maintaining TEFAP agreements with DSs, RFBs are also responsible for:

- Complying with civil rights requirements
- Entering into required agreements with ADES/CHRP and DSs
- Storing USDA foods in accordance with all Federal, State and local food storage requirements
- Establishing internal procedures for resolving complaints about USDA foods
- Maintaining accurate and complete records
- Conducting program outreach
- Certifying applicants in accordance with Federal and State established program eligibility criteria
- Complying with Federal and State established fiscal and operational requirements
- Distributing USDA foods in accordance with the current food package minimum monthly distribution rate
- Informing participants of their program rights and responsibilities
- Meeting the special needs of homebound participants to the extent possible
- Pursuing claims against participants

## **TEFAP Section 3: Allocation and Transfer of USDA Foods**

### **USDA Funding Formula for States**

The amount of funding provided by the USDA to each state is based on 60% of the number of persons in households within the state having incomes below the Federal Poverty Level, and 40% of the number of unemployed persons within the state (7 CFR, §251.3).

### **ADES/CHRP Funding Formula for RFBs**

The amount of reimbursement provided to each RFB is roughly sixty percent (60%) of the number of persons in households within the RFB service area having incomes below the Federal Poverty Level and forty percent (40%) of the number of unemployed persons within that area, adjusted by USDA foods available, demographics, geographic impact and historical data.

### **State Matching Funds**

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

## **Food Allocation**

### **USDA-to-States Food Allocation**

USDA foods are allocated to states on a monthly or quarterly basis, depending on quantities available nationally. The allocation formula for USDA foods is like the 60/40 formula for funds (7 CFR, §251.3). RFBs are given the opportunity to provide input on their USDA food preferences and needs as TEFAP catalogs become available.

When a USDA food is available in limited quantities, USDA will allocate such foods among the states using allocation percentages, which are based on appropriate participation data for the program designated to receive the USDA food (7 CFR, §250.13).

### **ADES/CHRP-to-RFB**

USDA foods must be distributed only to recipient agencies that are eligible to receive them (7 CFR, §250.13).

ADES/CHRP apportions the quarterly USDA allocation of food to each RFB according to its fair share. County shares are calculated based on the estimated number of low-income potential program participants.

ADES/CHRP requires that RFBs receiving USDA foods not diminish their normal expenditures for food due to receipt of foods. USDA foods must be withheld from distribution if it is determined that the foods would substitute for the same or a similar product that would otherwise be purchased in the market (7 CFR, §251.4). This means that RFBs cannot use TEFAP foods to meet the food supply needs of the RFB's other programs.

ADES/CHRP must notify RFBs of general USDA purchase information at least quarterly (7 CFR, §251.13).

### **USDA Two-Tier Priority System Requirements**

The federal regulations contain a Two-Tier Priority System in the allocation of TEFAP food to RFBs. RFBs that are Emergency Feeding Organizations (EFOs) have priority in receiving TEFAP food over RFBs that are not EFOs. EFOs are those RFBs that provide nutrition assistance to relieve situations of emergency and distress of needy persons.

When ADES/CHRP cannot meet the USDA Food needs of all RFBs, ADES/CHRP must give priority in the allocation of USDA foods to EFOs. ADES/CHRP may concentrate USDA Food resources upon a certain type or types of organizations, to the exclusion of others (Final Rule, §251.4).

### **RFB-to-Distribution Site**

RFBs that have agreements with ADES/CHRP in which delegation of authority to select Distribution Sites (DSs) is specified must ensure that they distribute USDA foods to their subcontracted DSs in accordance with the requirements of the two-tier priority system. RFBs must therefore only distribute USDA foods to subcontracted sites that are EFOs, i.e., organizations such as food banks, food pantries, and soup kitchens that provide nutrition assistance to relieve situations of emergency and distress of needy persons (Final Rule, §251.4).

RFBs are required to provide a fair share of USDA foods, by type and quantity of item received, to subcontracted DSs. RFBs must maintain records to demonstrate that over time there is equity in issuance of USDA foods among all sites.

## **Allocation to Avoid Waste**

USDA foods must be requested and distributed by ADES/CHRP and by RFBs only in quantities that can be consumed without waste (7 CFR, §250.13).

ADES/CHRP must ensure that no RFB receives USDA foods in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such foods (7 CFR, §251.4).

## **USDA Food Transfers**

All transfers of USDA foods between RFBs must have prior approval of ADES/CHRP and must be documented. All transfers of USDA foods between unlike organizations (i.e., RFBs and schools or charitable institutions) must have prior approval of USDA through ADES/CHRP and must be documented (7 CFR, §250.13 & §251.4).



After obtaining ADES/CHRP approval for transfer of USDA foods, RFBs must:

- Mutually agree to the method of physical movement of the USDA Food involved and the responsibility for any charges incurred
- Document the transfer activity on the USDA Food Transfer Form and in their respective USDA Food Monthly Inventory Report and the Monthly Statistical Report

Notwithstanding any other provision of 7 CFR, §251, any quantity of USDA foods for use by RFBs or recipient DSs may be transferred by ADES/CHRP or by RFBs to bona fide experimental or testing agencies, or for use in workshops, or for demonstrations or tests relating to the utilization of USDA foods by the RFB or DS. No such transfer by any RFB shall be made without the approval of ADES/CHRP (7 CFR, §250.13).

## TEFAP Section 4: Recipient Organization Eligibility and Participation Criteria

EROs must be open to the general population.

Sites that limit participation or attendance to only their members are not eligible to be EROs.

### 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 eligible organization (Final Rule, §251.5).

Organizations that are not organized and operated exclusively for religious purposes are required to obtain tax-exempt status. Organizations that have applied for, but not yet obtained, tax-exempt status may participate in TEFAP for one hundred eighty (180) days, with a possible ninety (90) day extension for TEFAP if the organization can show good faith in its attempt to obtain tax-exempt status (Final Rule, §251.5). If the IRS denies a participating agency's application for tax-exempt status, the following actions must occur:

- The organization must IMMEDIATELY notify ADES/CHRP of the denial
- For TEFAP transfer of responsibility see Section 5: Transfer of Responsibility in this manual

RFBs must verify tax-exempt status annually for all DSs and Congregate Meal Sites (CMSs).

### Eligible Recipient Organizations

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

- Is public or private and possesses tax-exempt status pursuant to Final Rule, §251.5;
- 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
- Has entered into an agreement with the State for the receipt of USDA foods and/or administrative funds, or receives USDA foods and/or administrative funds under an agreement with another RFB which has signed an agreement with the State;
- Falls into one of the following categories:
  - Emergency Feeding Organization (EFO) – (ex. food banks, food pantries, soup kitchens)
  - Charitable institutions (ex. 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)
  - Disaster relief programs (Final Rule, §250.13)

The eligible organization (ex. RFB) must have an ADES/CHRP approved inventory control and accountability system in place prior to handling USDA foods, which must be maintained continuously at all points of USDA food receipt and distribution.

The eligible organization (ex. RFB) must have an ADES/CHRP approved system to ensure that USDA foods are distributed in accordance with Federal and State TEFAP laws, regulations, policies and procedures.

ADES/CHRP shall consider the past performance of potential eligible organizations when approving applications for participation (7 CFR, §250.4).

ADES/CHRP may impose additional requirements for participation that are not inconsistent with the provisions of Federal regulation (7 CFR, §250.4)

## **Distribution Sites**

Distribution Sites (DSs) are also considered eligible organizations like RFBs and must meet the same eligibility criteria listed above for RFBs (Final Rule, §251.3).

Federal regulation allows ADES/CHRP to delegate to approved RFBs (have an agreement directly with ADES/CHRP) the authority to determine if organizations meet federal and state criteria to receive USDA foods and administrative funds in order to become a DS. RFBs must ensure that their selected DSs meet the established criteria. RFBs, however, are not granted authority to establish eligibility criteria (Final Rule, §251.5).

### **Congregate Feeding Agency (Soup Kitchen) Eligibility Criteria**

Organizations providing prepared meals must demonstrate to ADES/CHRP or the contracting RFB that they serve predominantly needy persons.

It shall not be deemed a failure to comply with federal regulations if organizations serve meals that contain USDA 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.

## **TEFAP Section 5: Organizational Contracts, Agreements and Terminations**

***Note: For our purposes, the term “agreement” is synonymous with “contract”***

Prior to receiving TEFAP foods or administrative funding:

- An RFB must enter into a written contract with ADES/CHRP
- A DS must enter into written agreement with an RFB

All parties entering TEFAP agreements must keep on file copies of the agreements for 5 years.

### **Contract Between USDA and the State**

In Arizona, TEFAP administration is the responsibility of ADES/CHRP which entered into an agreement with the USDA. As such, ADES/CHRP is designated as the State agency responsible for entering into contractual relationships for the receiving, warehousing and distribution of TEFAP foods (7 CFR, §241.2).

### **Agreement Between the State and Regional Food Banks**

Form **HRP-1055A** must be completed each SFY. ADES/CHRP will initiate this each May to be completed by June 30th.

ADES/CHRP may establish agreements with public and private nonprofit agencies or organizations to function as a distribution network for USDA foods. A formal agreement/contract with ADES/CHRP authorizes them to receive and distribute TEFAP foods.

ADES/CHRP must have current contracts with RFBs in order for RFBs to receive TEFAP food and/or administrative funds. Contracts may be considered permanent (with amendments) and may be terminated for cause by either party with 30-day notice (7 CFR, §250.4 & §251.2). ADES/CHRP must have written contracts with all storage facilities, food processors, carriers and other entities that deal with donated foods (7 CFR, §250.12).

Contracts between ADES/CHRP and RFBs must include:

- a statement that the RFB agrees to operate in accordance with requirements of parts §250 and §251 of 7 CFR (Final Rule, §251.2)
- the name and address of the RFB receiving USDA foods and/or administrative funds (Final Rule, §251.2)
- specific identification of each function for which the RFB is responsible when ADES/CHRP delegates responsibilities to the RFB that are normally the responsibility of ADES/CHRP, and written requirement that the RFB perform these functions in accordance with §250 and §251 of 7 CFR (Final Rule, §251.2)
- specific terms and conditions for the RFB to distribute food and/or administrative funds to another distributing agency, when ADES/CHRP allows them to do so, along with a list of specific organizations or types of organizations eligible to receive food or funds (Final Rule, §251.2)

RFBs must provide, on a timely basis, by amendment to the contract, any changed information, 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).

### **Termination of Agreement Between the State and Regional Food Bank**

- ADES/CHRP may terminate, or be required to terminate, an RFB agreement/contract in whole or in part, if it does not comply with Federal and State requirements. ADES/CHRP will notify the organization in writing at least thirty (30) calendar days in advance of the effective date of the termination, reasons for the action and effective date of termination.
- RFBs have the right to appeal the termination as outlined in the RFB Appeals of ADES/CHRP Actions section below.
- An RFB may terminate participation, in whole or in part, upon written notification to ADES/CHRP stating the reasons for, and effective date of, the action. Written notification must be given at least thirty (30) calendar days in advance of the effective date of termination.
- An RFB's participation may be terminated, in whole or in part, if both ADES/CHRP and the RFB agree that the action would be in the best interest of the program. ADES/CHRP and the recipient agency must come into agreement on the conditions of the termination, including the effective date of the action.

### **Agreement Between Regional Food Bank and Distribution Site**

Form **HRP-1040A** must be used for the agreement between RFBs and their DSs who receive TEFAP foods. These must be completed every SFY.

RFBs that have a contract directly with ADES/CHRP are authorized to enter into agreements or contracts with other organizations to perform TEFAP functions.

Organizations that operate under RFBs directly contracted with ADES/CHRP are also eligible recipient agencies but are more commonly known as distribution sites (DSs). RFBs must have written agreements with their DSs before DSs may receive TEFAP food and/or administrative funds (Final Rule, §251.2).

An RFB may elect to subcontract all or part of its TEFAP storage and distribution services.

Agreements with DSs must be approved by ADES/CHRP initially and subsequently where substantive changes are initiated. Agreements between RFBs and DSs must include:

- A statement that the DS agrees to operate in accordance with requirements of §250 and §251 of 7 CFR (Final Rule, §251.2)

- The name and address of the DS receiving USDA foods and/or administrative funds (Final Rule, §251.2)

RFBs that have agreements directly with ADES/CHRP are responsible for ensuring that their subcontracted DSs meet all Federal and State program requirements. The RFB is not relieved of any program responsibility by subcontracting. Instead, the RFB 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 RFB.

RFBs must have written contracts with all storage facilities, food processors, carriers and other entities that deal with donated food. (7 CFR, §250.12).

## Transfer of Responsibility

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

- A request for transfer or termination of contractual obligation may originate with either party
- ADES/CHRP will review and approve or deny the change or transfer
- For approved transfers of RFB or DS responsibility, the first consideration will be the provision of continuity of service to recipients to the extent possible. Since contracts may be considered permanent with a 30-day notice, ADES/CHRP may request the existing contract stay in force until a contract with a new RFB or DS is signed
- In situations where ADES/CHRP deems it to be in the program's best interest, ADES/CHRP may provide a thirty-day (30) notice of contract termination to the RFB or DS or order an immediate termination of contract
- The new RFB's or DS's starting inventory records must reflect an opening balance of zero (0). Quantities received by the new RFB or DS on transfer of title must be approved by ADES/CHRP and have backup documentation to include verified physical tallies

## Distribution Site Termination

An RFB must submit a request to terminate a distribution site using form [HRP-1017A Request to Terminate Site](#)

When requesting a site termination, the following must be detailed:

- Reason for termination
- How and when participants will be notified (30-days is preferred)
- When the last day of distribution will be
- Where clients will be able to get food going forward
- How the remaining inventory will be retrieved (if applicable)

The site being terminated should also put up a physical sign stating the last day of distribution and where participants can get food going forward. This should include the name and operating hours of the alternative site.

## TEFAP Section 6: Civil Rights

### Regulations Regarding Protected Bases

ADES/CHRP, RFBs and DSs must ensure that no person is subjected to discrimination on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity, and must also comply with the requirements of the following regulations:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Titles II and III of the Americans with Disabilities Act of 1990
- USDA departmental regulations specified in 7 CFR §15 through §15f and §16

- Civil Rights Restoration Act of 1987
- The Food Stamp Act of 1977

See FNS Instruction 113-1 for additional information related to Civil Rights requirements.

## Public Notification

DSs must include a public notification system as part of civil rights compliance. The public notification system must include all of the following:

- **Program availability:** information regarding program rights, responsibilities, and steps necessary for participation targeted toward program applicants, participants, and potentially eligible persons
- **Complaint information:** an advisory at the service delivery point explaining the rights of applicants and participants, how to file a program complaint of discrimination and the complaint procedure.
- **Nondiscrimination statement:** all program informational materials and sources, including websites, used to inform the public must contain the approved nondiscrimination statement.

### Methods of Public Notification

Each State agency, RFB and DS serving the public must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs (TEFAP) and applicable civil rights requirements.

1. Inform potentially eligible persons, applicants, participants, and grassroots organizations (especially those in underserved populations) of programs using flyers, newsletters, and websites.
2. Publicly display location, day, and times of CSFP distributions. This includes information pertaining to the eligibility, benefits (type of USDA foods), and services, the location of the DS, and hours of service. This information can be communicated by methods such as, but not limited to, Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins. (FNS Instruction 113-1). Any program changes at a DS must also be communicated to ADES/CHRP in a timely manner.
3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
4. Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.
5. Prominently display the USDA nondiscrimination “And Justice for All” poster (USDA/FNS Form AD-475 A). This poster must be displayed at its full size of 11 inches wide by 17 inches tall.
  - When possible the “And Justice for All” poster should be displayed in its original full colors of green and white. RFBs may contact ADES/CHRP to request new posters, as needed.
  - When no supply of full color posters remains, and posters cannot be ordered from USDA/FNS, a full-size black and white poster may be printed and displayed to comply with the requirements of this section.
6. Prominently display the Americans with Disabilities Act (ADA)504 Notice
7. Prominently display the HRP-1065 Written Notice of Beneficiary Rights (*eff. 01/01/25*)
8. Have forms **HRP-1014A Civil Rights Complaint / Grievance** and **HRP-1014A-S Denuncia / Queja de Derechos Civiles (Civil Right Complaint/Grievance)** available for any person to take and complete.
9. Include the approved nondiscrimination statement on program material and participant documents.

- When posting the approved nondiscrimination statement to a website, it is not required that the statement be included on every page of the site. At a minimum, the statement, or a link to it, must be included on the homepage of the program information.
- In the event the informational material or sources are too small to permit legible printing of the full nondiscrimination statement, the material must, at the minimum, include the following statement in print no smaller than the body text of the material or source: “The USDA is an equal opportunity provider and employer.”

#### USDA FNS Nondiscrimination Statement (English)

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

This institution is an equal opportunity provider.

#### USDA FNS Nondiscrimination Statement (Spanish)

De acuerdo con la ley federal de derechos civiles y las normas y políticas de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta entidad está prohibida de discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de género y orientación sexual), discapacidad, edad, o represalia o retorsión por actividades previas de derechos civiles.

La información sobre el programa puede estar disponible en otros idiomas que no sean el inglés. Las personas con discapacidades que requieren medios alternos de comunicación para obtener la información del programa (por ejemplo, Braille, letra grande, cinta de audio, lenguaje de señas americano (ASL), etc.) deben comunicarse con la agencia local o estatal responsable de administrar el programa o con el Centro TARGET del USDA al (202) 720-2600 (voz y TTY) o comuníquese con el USDA a través del Servicio Federal de Retransmisión al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe llenar un formulario AD-3027, formulario de queja por discriminación en el programa del USDA, el cual puede obtenerse en línea en: <https://www.fns.usda.gov/sites/default/files/resource-files/usda-program-discrimination-complaint-form-spanish.pdf>, de cualquier oficina de USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida a USDA. La carta debe contener el nombre del demandante, la dirección, el número de teléfono y una descripción escrita de la acción discriminatoria alegada con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) sobre la naturaleza y fecha de una presunta violación de derechos civiles. El formulario AD-3027 completado o la carta debe presentarse a USDA por:

1. correo:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o
2. fax:  
(833)256-1665 o (202) 690-7442; o
3. correo electrónico:  
program.intake@usda.gov

Esta entidad es un proveedor que brinda igualdad de oportunidades.

### **Limited English Proficiency (LEP)**

RFBs and DSs should explore the most cost-effective means of delivering competent and accurate language services. At a minimum, DSs should be prepared to offer services and materials in English and Spanish languages.

Title VI of the Civil Rights Act of 1964 states, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The term “program or activity” is broadly defined. There is no numerical threshold that must be met before provisions of the Civil Rights Act, prohibiting discrimination based on national origin, are applicable.

Failing to provide services or denying access to federally assisted programs and activities based on LEP may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations. Title VI and its regulations require ADES/CHRP, RFBs, and DSs to take reasonable steps to assure “meaningful” access to the information and services they provide. What constitutes reasonable steps to assure meaningful access will be contingent on a number of factors. Among the factors to be considered are:

- The number or proportion of LEP persons eligible to be served or likely to be encountered; the greater the number or proportion of these LEP person, the more likely language services are needed
- The frequency in which LEP individuals encounter the program; RFBs and DSs must assess, as accurately as possible, the frequency with which a DS has or should have contact with LEP individuals from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed
- The nature and importance of the program, activity or service provided by the program to people’s lives; when denial or delay of services could have serious or life-threatening implications for the LEP individual, language services are more likely needed

- The resources available and costs likely to be incurred; smaller DSs with more limited budgets are not expected to provide the same level of language services as larger organizations, however technological advances and the sharing of language assistance services among DSs may help in reducing costs.

## **Civil Rights Training**

Training is required so that all persons involved with all levels of TEFAP administration and distribution understand civil rights laws, regulations, procedures, and instructions. ADES/CHRP is responsible for training RFB staff, RFBs are responsible for training DS/Agency staff including supervisors of frontline agency staff. Agency managers or lead volunteers are responsible for training all staff/volunteers at the DS.

Civil rights training must be provided annually and include, at a minimum, the following components:

Collection and use of data, including confidentiality requirements, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, language assistance requirements, conflict resolution and customer service.

Two options are available to satisfy the CRT requirement when viewed.

- Option 1: Video  
This video is accessed through [DES TraCorp](#). Login is required. Course ID: DECAD6009
- Option 2: Slideshow presentation (available in English and Spanish)  
This slideshow presentation is manually operated and available to view or download

Civil Rights Training must be completed by the following people:

- a) RFB key staff who work with CSFP/TEFAP programs (*i.e., Program Staff, Warehouse Staff, Leadership*)
- b) RFB staff that regularly interacts with participants
- c) Agency staff that regularly interact with participants
- d) Volunteers who regularly interact with participants

## **Civil Rights Training Records**

### **Regional Food Bank**

- Training completed by RFB **staff** must be recorded on the designated “CSFP & TEFAP Civil Rights Training Record” Google sheet provided by the CHRP Program Specialist
- Training completed by RFB **volunteers** must be recorded on the **HRP-1015A Annual Civil Rights Training** form. One per person. Completed forms should be kept on file at the RFB.

### **Agency/Distribution Site**

- Training completed by Agency staff and volunteers must be recorded on the **HRP-1015A Annual Civil Rights Training** form. One per person. Completed forms should be kept on file at either the RFB or Agency.

## **Complaints and Reporting**

ALL complaints should be documented in the civil rights complaint log even if not civil rights related.

### **Civil Rights Complaints**

A civil rights complaint is a verbal or written allegation of discrimination in the administration or operation of TEFAP. Complaints result from the perception of disparate treatment or services being provided to a person or group of persons because of their membership in a protected class.



## **Civil Rights Complaints Reporting**

A person's status as an applicant, participant or observer at a distribution is not a factor in determining who is able to file a complaint of discriminatory treatment. Anyone can file a civil rights complaint. When a person reports perceived unfair treatment based on any protected class or the person feels as though discrimination has occurred, DSs must assist the person in filing a complaint. Note that DSs must fully document each step of the process, from initial complaint to resolution, in the DSs civil rights complaint log. Full documentation includes every conversation and step taken related to the complaint.

### **The complaint procedure is as follows:**

1. When receiving a report of discrimination, use **HRP-1014A Civil Rights Complaint / Grievance** whenever possible, to document the allegation fully. The complainant can complete the form, or the DS can complete the form on behalf of the complainant. When the DS completes the form, allow the complainant the opportunity to review the form for accuracy and provide a signature. The DS should maintain a supply of hard-copy Civil Rights Complaint/Grievance Forms and all frontline staff/volunteers, and supervisors of frontline staff/volunteers, should be trained on use of the form
1. Retain the original form in the DS's civil rights complaint log and send a copy to the DS's RFB
2. The RFB retains a copy of the report and forwards it to ADES/CHRP in a timely manner
3. ADES/CHRP reviews the complaint and notifies the RFB of whether the complaint involved a protected class.
4. When the complaint involves a protected class, ADES/CHRP forwards the complaint to USDA/FNS
5. Throughout the process ADES/CHRP and RFB staff work together to identify corrective actions to be taken, if necessary, to satisfy the complaint and opportunities to prevent further complaints against the DS
6. A letter describing the outcome of the complaint and copies of correspondence related to resolution of the complaint will be forwarded by the RFB to ADES/CHRP and the DS within sixty (60) days

Note that persons always have the option of filing a complaint directly with ADES/CHRP or USDA. If the person is at the DS and wishes to file a complaint with ADES/CHRP, provide form **HRP-1014A Civil Rights Complaint/Grievance** and highlight the ADES/CHRP and USDA contact information.

RFBs must respond to ADES/CHRP as required in a timely manner to inquiries ADES/CHRP receives. All complaints must be investigated and researched. If evidence of wrongdoing is discovered, the RFB must inform ADES/CHRP. ADES/CHRP may require the RFB to submit a corrective action plan related to the DS. If ADES/CHRP does not approve the submitted plan, ADES/CHRP may require the RFB to revise the plan or may prepare its own plan that the RFB is required to implement. If no evidence of impropriety or wrongdoing is found, the RFB will prepare a report of findings and explanations. In every case, the complainant should receive a response from the RFB.

## **Verbal Civil Rights Complaints**

If a verbal complaint is received and the participant is not willing to place allegations in writing, the person receiving the complaint may write up the elements of the complaint for the complainant using form **HRP-1014A Civil Rights Complaint/Grievance** The person receiving the call should make every effort to collect:

- Name, address, telephone number, or other means of contacting the complainant
- Specific location and organization delivering the USDA foods
- Nature of the incident or action that led the complainant to feel discriminated against
- Basis on which the complainant feels discrimination occurred (race, color, national origin, age, sex, religion, political beliefs, disability, reprisal, or retaliation, etc.)
- Names, titles, and business address of person who may have knowledge of the discriminatory action
- Date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions

Anonymous complaints are to be handled just as any other complaint, although full resolution through communication back to the participant will not be possible.

### **Customer Service Complaints**

Complaints should be documented in the DSs civil rights complaint log even if not civil rights related. A complaint may describe poor customer service such as rudeness, impatience, apathy, lack of understanding, or verbal abuse. Using good judgment, the RFB and DS staff should address and find resolve within thirty (30) days.

A letter describing the outcome of the complaint and copies of correspondence related to the resolution of the complaint must be forwarded to ADES/CHRP and the DS within sixty (60) days.

### **Food Complaints**

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

- Immediately place all remaining product involved in the complaint on hold
- Immediately contact ADES/CHRP by phone and provide the following information:
  - 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 RFB 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 RFB to contact for investigation and follow-up

Complete a written report containing the above information and forward to ADES/CHRP.

As soon as USDA determines the complaint is of a serious nature, ADES/CHRP will need to inform them of all the specific information supplied by the RFB. 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 ADES/CHRP until the complaint is resolved.

*See Complaint Timeline on next page.*

## Complaint Timeline

Civil Rights complaints must be processed in accordance with established timeframes. Even non-Civil Rights complaints should be handled promptly and adhere to the timeline. When the complaint involves a protected class, ADES/CHRP forwards the complaint to the USDA/FNS. Once USDA/FNS accepts the complaint, they have up to ninety (90) days to issue a decision.

ACTION	TIMEFRAME
Participant submits complaint	Has up to 180 calendar days after the occurrence of the incidence
DS sends the complaint to RFB	1 business day
RFB notifies CHRP of complaint	1 business day
When CHRP receives a direct complaint, RFB to confirm receipt of CHRP notification	1 business day
CHRP review the complaint and determines if a protected class is involved	1 business day
CHRP notifies the RFB of the protected class determination	1 business day
When a protected class is involved CHRP forward the complaint to FNS	1 business day
FNS investigates the complaint and issues a determination	No later than 90 calendar days after acceptance of the complaint
When the complaint does not involve a protected class, the RFB and DS use good judgment to accomplish resolution	No later than 30 calendar days after the receipt of the initial complaint

## TEFAP Section 7: Participant Eligibility Criteria

### Participant Eligibility Criteria

To be eligible for TEFAP, persons must:

- Self-declare that the gross monthly household income is at or below one-hundred thirty percent (185%) of Federal Poverty Level (FPL)
- Live in the DS's service area, however proof of address is not required as of 12/31/24

### Income

For a recipient or household to be eligible to receive TEFAP foods for home consumption, their income must fall within the annually published TEFAP income eligibility guidelines.

Eligibility may occur during any month that the recipient meets the ADES/CHRP established income guidelines. Eligibility may also occur based on annual income, even if the current month's earnings exceed the monthly income guideline.

Homeless individuals are subject to the same income requirement.

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

- Student aid assistance received from a program funded by Title IV
- Employer or union-paid non-cash 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, school lunches, housing assistance, etc.

Categorical eligibility (*automatic qualification*)

1. Households receiving Supplemental Nutrition Assistance Program (SNAP) benefits
2. Households with children who receive free/reduced-price meals through the National School Lunch Program

*\*Per State policy, a household must show an award or approval letter from the program to be categorically eligible.*

### **Geographic Requirement**

Participants must live in Arizona and within the DS’s service area. A participant’s length of residency in Arizona or intent to remain in Arizona is not an eligibility determination.

### **Address Collection**

Participants are not required to provide proof of address as a means to confirm geographic eligibility. ([Food Distribution Programs: Improving Access and Parity Final Rule; IV; 2](#)) At a minimum, DSs are required to collect city, zip code, and county information for each participant. For participants who refuse to provide the minimum information, the DS will use its own city, zip code and county information.

DSs are encouraged to collect full address information when the participant is willing to provide it.

### **Program Violations**

Program violations are actions taken by applicants, participants, or proxies to obtain or use USDA benefits improperly. Program violations include the following actions (7 CFR, §247.20):

- Intentionally making false or misleading statements, verbally or in writing (fraud)
- Selling USDA foods gained through TEFAP participation or exchanging the foods for non-food items (fraud)
- Physically abusing or threatening to physically abuse program staff

If applicants, participants, or proxies commit program violations, please report them to ADES/HRP.

## **TEFAP Section 8: Distribution Guidelines and Procedures**

### **Identification**

Arizona requires Participants and Proxies to show proof of identification at each distribution. ID can be a Driver’s license, State ID card, or any other form of picture ID that proves identity.

### **Frequency and Rate of Distribution**

Federal regulation does not specify the number of distributions that RFBs and DSs are required to conduct.

ADES/CHRP has discretion to develop distribution rates required by all RFBs. ADES/CHRP requires that all DSs distribute TEFAP, at a minimum, of once monthly. RFBs and DSs may use their discretion to increase the number of TEFAP distributions they feel are needed per month per site.

Distributions must meet the following criteria:

- RFBs must ensure that TEFAP food is distributed in fair share proportions per household size, meaning larger families receive more food.
- Income eligible recipients must have equal access to receive the same amount of TEFAP food. RFBs must ensure that each recipient has equal access to the same possible amount of food at each DS.

DS personnel must document that households are receiving amounts of TEFAP food in fair share proportions according to family size. This is accomplished in Link2Feed when a new TEFAP visit is recorded.

### **Accessibility**

DSs must be open to the general population. Sites that limit participation or attendance to only their members are not eligible to be TEFAP Distribution Sites.

### **Signage**

DSs must have the proper signage and forms available to the public. See “Methods of Notification” on page 21.

### **Eligibility Guidelines**

Must be prominently posted at each distribution site. The [HRP-1023A The Emergency Food Assistance Program \(English/Spanish\)](#) is available to fulfill this requirement. It is advisable to post it near intake.

USDA foods shall be distributed only to recipients who are eligible to receive them (7 CFR, §251.5). Recipients self-declare that they are eligible to receive TEFAP foods and agree to program requirements by signing for their TEFAP visit in Link2Feed or by signing the paper application if Link2Feed live is not available at the time of distribution. Proof of household income or proof of address shall not be required for a participant to receive TEFAP food.

Under no circumstance shall recipients be required to make any payments in money, materials or services for or in connection with the receipt of donated foods, nor shall voluntary contributions (donations) be solicited in connection with the receipt of USDA foods for any purpose (7 CFR, §250.1). If it is determined that a DS is collecting social security numbers and/or requiring verification of household income, or proof of address, this will be cause to terminate the site’s TEFAP agreement.

### **Mass Distributions**

Currently, any TEFAP distribution that serves over 100 households is not required to enter participant names individually into Link2Feed but may use the “mass distribution” field to document the aggregate number of households served. The Household Distribution Site Sign-In Sheet is still required to be completed by participants.

### **Recording Participant Information**

Each DS must collect and maintain on record, for each household TEFAP foods for home consumption:

- Address of the household (at a minimum- city, zip code and county)
- Number of persons in the household
- Signature of the household member receiving USDA foods

This is accomplished through Link2Feed or [HRP-1013A – The Emergency Food Assistance Program \(TEFAP\) Household Distribution Site – Sign-In Sheet \(English/Spanish\)](#). If using Sign-in sheets, they must be collected and maintained at the RFB of the DS.

**Information must be keyed into Link2Feed within 2 business days of receiving the completed paper application.**

Original applications must be kept on file for 5 years. (Physical or digital copy)

DS may ask for other participant information for use with other programs. However, it is the RFB’s responsibility to ensure that DSs proactively post for all participants to view and/or inform participants in writing that additional information is not required to receive TEFAP food. Participants shall not be denied TEFAP food if they refuse to reveal any information that is not a requirement of TEFAP.

**DSs are encouraged to record other personal data points listed in Link2Feed:** Marital Status, Housing Type, Contact Phone/Email, Ethnicity, and any Self-Identifiers. This information provides insight into additional needs of the populations served, and helps DES identify people who may be eligible to receive other DES programs' benefits.

#### Affirmation of Eligibility

Upon receiving TEFAP participants will affirm to the certification statement that their income is within the posted TEFAP guidelines. If access to Link2Feed is not available, participants must sign the **HRP-1013A – The Emergency Food Assistance Program (TEFAP) Household Distribution Site – Sign-In Sheet (English/Spanish)**.

By signing for USDA foods, the participants are certifying, under penalty of perjury, that:

- They are income eligible to receive USDA foods according to the TEFAP eligibility guidelines
- They reside in the distribution site's service area
- Their agreement that USDA foods are for personal home use, and therefore must not be sold, traded, or given away (7 CFR, 250.1)

If a participant is incapable of signing their name, DS personnel may sign for the person who would then make an 'x' or other mark on the signature line.

All persons who are willing to sign the statement shall be deemed program eligible.

#### Unrelated Activity

Participants cannot be pressured or influenced to support any religious, social or political point of view in association with receipt of USDA foods. Unrelated activities may be conducted at a DS as long as:

- a. The person(s) conducting the activity makes it clear that the activity is not part of TEFAP and is not endorsed by the USDA; and
- b. Information not related to TEFAP is not placed in or printed on the distribution containers or any other container of food during same distribution; and
- c. The person(s) conducting the activity makes it clear that cooperation is not a condition of receipt of USDA foods (e.g., praying, attending religious services, contributing money, signing petitions, or conversing with people; and
- d. The activity does not disrupt distribution of USDA foods (7 CFR §251.10).

RFBs and DSs staff/volunteers are responsible for ensuring that activities unrelated to the distribution of USDA foods are conducted in a manner consistent with the above conditions. DSs found in violation of the policies regarding unrelated activity in this section are subject to termination from further USDA food distributions.

#### TEFAP Distribution in Conjunction with Other Programs

RFBs and DSs may distribute TEFAP food simultaneously with other programs, as long as the site is open to the public and access is not limited to specific individuals. TEFAP recipients must be income-eligible, according to TEFAP income guidelines, and must sign for USDA foods in either Link2Feed or on the Household Distribution Sign-in Sheet.

#### Distribution of non-USDA foods

RFBs and DSs may incorporate the distribution of foods that have been donated by charitable organizations or other entities with the distribution of USDA foods or distribute them separately (7 CFR, §251.4).

## Proxies

Proxy information must be entered in the participant's Link2Feed profile under the "TEFAP" tab

A proxy is someone a participant authorizes to act on his/her behalf, and may:

- Complete the benefits application
- Provide participant verification documents
- Report changes to the participant's household circumstances
- Receive the participant's USDA food distribution

Proper proxy authorization includes:

1. A valid proxy letter (see example below)
2. A copy of the participant's picture ID

A proxy letter should be detailed and include the date written, name and contact information of the participant, name of proxy and number of adults and children who live in the household.

### Acceptable example:

*March 20, 2025*

*My name is John L. Carlson; I am requesting that Jasmine Lindsay pick up a box for my family and me. There are 4 children and 2 adults in the household. Please contact me with any questions at 123-456-7890.*

*John L. Carlson  
1789 W. Food Bank Way  
Phoenix AZ 85042*

### Unacceptable example:

*Please let Jasmine pick up my food.  
-John L. Carlson*

Proxies are valid for up to 1 year from the date of authorization. It is the responsibility of the DS to maintain proxy records, and request reauthorization from the participant.

## TEFAP Section 9: Participant Data Collection and Confidentiality

### Link2Feed

ADES/CHRP utilizes Link2Feed as its vendor for statewide data collection for CSFP. DSs must utilize Link2Feed "live" at the time of distribution, or if unable to utilize Link2Feed at the time of distribution, must use paper form [HRP-1028A Application for Benefits \(TEFAP/CSFP\)](#).

Data must be entered into Link2Feed 2 business days after a distribution takes place.

### Confidentiality

All staff and volunteers of the ADES/CHRP, contracted RFBs and DSs that provide services associated with USDA foods at food banks, food pantries, soup kitchens and shelters, must maintain the strictest confidence and protect the confidentiality and security of all protected data and information to which they have access. Confidential information may include, but is not limited to, recipients of food assistance, household composition, names, addresses, and phone numbers. It may be from any source or in any form (oral, written, or electronic). This information may be protected by state and federal laws and by policies of the Department.

All client-interacting or client data-handling staff and volunteers are required to complete Annual Civil Right Training and fill out an **HRP-1016A Volunteer Confidentiality** form. Signed forms must be kept on file for a minimum of 5 years. This only needs to be completed once per volunteer.

## Annual Participation Survey

CHRP will work with RFBs to develop an annual TEFAP Participation Survey to be conducted January-June.

Survey response goals:

- Achieve at least eighty-five percent (85%) client response rate
- Achieve at least eighty-five percent (85%) of Recipient Agencies response rate

## Mass Distributions

Any TEFAP distribution that serves over 100 households does not require each participant's name to be input individually into Link2Feed, but DSs may use the "mass distribution" field to document the aggregate number of individuals and households served. The Household Distribution Site Sign-In Sheet is still required to be completed by participants.

## TEFAP Section 10: Shipment and Receipt of USDA Foods

### Shipping and Notifications

#### Direct Shipping from USDA

USDA Foods may be directly shipped to RFBs from the USDA and originate from a National Multi-Food Warehouse (NMFV).

ADES/CHRP must notify RFBs of general USDA purchase information for TEFAP at least quarterly through the Delivery Order Status Reports (DOR). The DOR contains information related to the anticipated ADES/CHRP delivery schedule with types and quantities of USDA foods and any changes in delivery schedules. Specific delivery dates are pre-arranged between the RFB and the NMFV and reflected in the Web-based Supply Chain Management (WBSCM) system.

The NMFV must arrange regular delivery dates with each RFB. If an order includes multiple truckloads, every effort must be made to arrange for all deliveries on the same day. The RFB must negotiate any tailgating by the NMFV when setting the delivery date. If the regularly scheduled delivery date must be postponed (e.g., as a result of inclement weather or equipment failure), the NMFV will immediately contact the RFB to determine a revised delivery date that is agreeable to both parties.

#### Shipping from a Vendor

For shipments originating from a vendor, the vendor or carrier must arrange for a delivery appointment with the RFB at least twenty-four (24) hours before the expected delivery. Direct shipments from USDA via commercial carriers are prepaid. RFBs are not to pay any charges requested by the driver or other agent of the carrier. RFBs should notify ADES/CHRP immediately of any such request.

For vendor shipments, the vendor will create the Advance Shipping Notification (ASN) in WBSCM in advance of delivery to provide the consignee sufficient advance notice of the delivery. ADES/CHRP and the receiving destination designated in WBSCM will receive the ASN by email. The ASN will include the following information:

- Required delivery date
- Expected delivery date
- Delivery ship-to agency
- Nutrition program acronym (e.g., TEFAP)
- USDA Food product material number and description (i.e. material code)



- Sales order number
- Sales order or Purchase Requisitions item number
- Quantity in shipment (e.g., cases, units, etc.)
- Establishment number, if applicable
- Purchase order item number
- Purchase order number
- Product vendor information

For split shipment (i.e., shipments that are split between two or more RFBs), the vendor or carrier must arrange for a delivery appointment with each RFB. The vendor or carrier may make an earlier delivery than scheduled only if a new delivery date is arranged that is acceptable to the RFB and USDA personnel are available, as necessary, to perform any required inspections; otherwise the original delivery date must be honored.

If the vendor or carrier arrives without a delivery appointment or is late for an appointment, the RFB should accept the shipment, if able, or work with the vendor or carrier to schedule delivery at a later time. When a carrier does not make a delivery appointment in advance, it is recommended that the RFB report the issue in the BOL and email communication when submitting to ADES/CHRP who will notify USDA in the comment section of WBSCM when receipting for the delivery.

For shipments originating from a National Multi-Food Warehouse (CSFP Program ONLY), the consignee will not receive an ASN notification. Specific delivery dates are pre-arranged between the consignee and the National Multi-Food Warehouse and reflected in WBSCM. Approximately 40,000 pounds equates to about one (1) truckload. For large orders, consignees are expected to receive all trucks ordered for their specified delivery date. If consignees are unable to offload more than a certain number of trucks per day, they should enter orders for other available delivery dates or contact the National Warehouse to request additional dates as needed.

## **Delivery**

### **Destination Changes**

RFBs wishing to change the shipment destination for shipments originating from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), after the purchase order has been issued, must submit a request to ADES/CHRP, which in turn must submit the request to the FNS Western Regional Office (FNS SWRO). The change request must be submitted at least forty-five (45) days in advance of the start of the delivery period. Select USDA Foods may require additional advance notice, per applicable USDA guidance. The FNS SWRO will work to address the change request.

Carriers will not deliver to a receiving location that is not shown on the BOL without prior authorization from ADES/CHRP. Costs incurred as a result of an RFB's failure to make timely notification will be charged to the RFB. A detention charge or charge for redelivery when the driver is asked by the RFB to deliver the load to a destination other than what's on the BOL is the responsibility of the RFB.

### **Vender Unable to Deliver USDA Foods**

If a vendor or carrier arrives at the delivery location at the appointed time and is unable to unload USDA Foods as a result of action or inaction by the RFB, the vendor or carrier has the right and obligation to protect the USDA foods by placing them in storage or moving them to another location, if necessary. Movement or storage may subject the RFB to additional charges. Any disputes between the RFB and the vendor or carrier regarding liability for such charges that are not resolved at the ADES/CHRP level must be referred to the FNS SWRO for resolution by FNS and the Contracting Office, as applicable.

## **Pallet Exchange**

- For shipment originating from the NMFW, carriers do not exchange pallets.
- For shipments originating from a vendor, pallet exchange is not required but may occur at the discretion of the RFB and should be arranged in advance of delivery.

## **Inspecting the Shipment**

### **General Requirements**

Responsibility for USDA foods passes to the RFB at the time the products are unloaded. Therefore, the RFB must carefully inspect each shipment and commercial delivery receipt (e.g., Bill of Lading (BOL)) prior to unloading to ensure that the seal(s) is intact, determine the overall condition of the USDA Foods and the number of units in the shipment and to ensure the accuracy of the receipt.

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

### **Seal**

Seals are used to provide evidence of tampering and can assist in the detection of theft or contamination. The RFB must ensure the seal(s) in the door or other point of entry of the truck or trailer is intact and must make a record of the serial number of the seal. If the seal is broken or lacking, or the serial number on the seal does not match the number on supporting documentation (e.g., BOL), the RFB must refuse the shipment and immediately notify ADES/CHRP via email which in turn must notify FNS SWRO. FNS will notify the appropriate Contracting Office or the NMFW, as applicable.

For shipments origination from a vendor (i.e., any shipment not originating from a National Multi-Food Warehouse), a previously refused shipment may only be accepted by the RFB after a Condition of Container Inspection has been performed by a USDA representative, as designation by the Contracting Office, and a Certificate of Quality and Condition has been issued which documents that the Condition of Container meets the applicable U.S. Standards for Condition of Food Containers. Any inspection costs must be paid by the vendor or carrier.

### **Removal of Seal and Temperature Check**

The RFB is responsible for the removal of the seal(s), which must be done with bolt cutters or a similar tool. For frozen or refrigerated foods, at a minimum, the RFB must check the thermometer, which is usually located outside of the truck, to ensure that the temperature in the freezer or refrigeration unit is at an acceptable level, in accordance with USDA guidance, and must ensure that the unit is switched on and working.

**If the seal is removed by anyone but the RFB, contact ADES/HRP immediately for guidance.**

### **Quantity of USDA Foods**

The RFB must determine if there is any obvious discrepancy from the quantity of USDA Foods ordered (e.g., an overage or shortage). A more careful count must be conducted as the shipment is unloaded and prior to the vendor or carrier departing.

When a shipment is delivered, and it's determined there's a shortage or overage, the RFB complete the following and send to ADES/CHRP:

- Record on the BOL the exact amount of the USDA foods shortage or overage; and
- Document the following information:
  - Delivery order number, contract number, and Notice of Delivery number
  - Railcar number and initial, piggyback trailer number or truck/trailer identification
  - Name of shipper, origin, and date of shipment

- Quantity and description of food in the shipment
- Date and time shipment received
- The specific item and quantity affected (over or under)
- Current status (unloaded, trailer left warehouse, etc.)
- Pictures/videos of the products
- Name, title and phone number of the person who conducted the inspection. Note if the inspection report was prepared. If so, send copy of report with this documentation

### **Observing Condition of USDA Foods**

The RFB must inspect the shipment to determine if the USDA Foods have been delivered in good condition and with no evidence of product tampering. The RFB should take note of any odors, infestation (e.g., dead insects or nesting materials), or damage to inner or outer containers. For frozen foods, the RFB should look for signs of defrosting or signs of thawing and refreezing of the foods that could have occurred prior to the arrival of the shipment. For USDA Foods that are not intended to be frozen (e.g., canned products), it is recommended that the consignee also check to ensure that such foods do not arrive in such a manner.

Fresh fruit or vegetable shipments, with the exception of fresh apples, must be inspected by a USDA representative prior to unloading in accordance with contract specification. The vendor must arrange for the inspection at each delivery destination and pay any costs associated with inspection.

### **Out-of-Condition USDA Foods and Required Notification**

When a shipment is delivered which all or a portion appears to be off-grade, out-of-condition or damaged, the RFB must do the following:

- Call ADES/CHRP before accepting the shipment and report the facts of the condition of the shipment and then receive instruction from ADES/CHRP.
  - If directed by ADES/CHRP, obtain an inspection by a qualified person.
  - If the inspector confirms those of the initial examination, hold the shipment and report full detail immediately to ADES/CHRP by phone.
  - Document the following information and immediately email ADES/CHRP:
    - Purchase order number, contract number and sales order number
    - Railcar number and initial, piggyback trailer number, or truck/trailer identification
    - Name of shipper, origin and date of shipment
    - Quantity and description of food in shipment
    - Date and time shipment received
    - Specifically, the problem and quantity affected
    - Current status (unloaded, trailer left warehouse, etc.)
    - Cause of condition if it is obvious (e.g. damaged container, fire, temperature unit not operating, etc.)
    - Protective services provided
    - Name, title and phone number of the person who made the inspection. Note if the inspection report was prepared. If so, forward a copy with this documentation
    - Name and location of carrier's agent who was notified, along with the agent's response, including time and date, and name of person making the notification
    - Specific location within the transportation conveyance
    - Person and phone number to contact regarding shipment
    - Pictures/Videos of the products, including applicable product label(s) and thermometer/temperature readings as necessary
- Await instructions from ADES/CHRP for possible disposal and replacement.

Note on BOL a brief description of the problem, referencing the full documentation was sent to ADES/CHRP.

For shipments originating from either a NMFV or a vendor, where RFB inspection and documentation indicates that all, or a major portion, of the USDA Foods in the shipment are out-of-condition, ADES/CHRP will in turn notify FNS SWRO. FNS will work to address the issue by consulting with the NMFV or Contracting Office, as applicable, to determine if the shipment is to be rejected, or if an inspection by State or local health authorities or authorized USDA agent must first be obtained to determine the condition of the USDA Foods.

If an inspection is required, ADES/CHRP must inform FNS SWRO of the RFB's inspection results so that FNS and the appropriate office can determine if the shipment should be rejected. ADES/CHRP or the RFB must also ensure that the vendor or carrier is aware of the results of the RFB's inspection, subsequent inspection by health authorities, as applicable, and the decision to accept or reject the shipment.

The vendor or carrier is responsible for the prompt removal of a rejected shipment. The cost of the inspection must be paid by the RFB if it is determined that the USDA Foods are not out-of-condition. Inspection costs must otherwise be paid by the vendor or carrier.

If there is a doubt as to the condition of the USDA Foods, or a disagreement with the vendor or carrier regarding their condition, the RFB must immediately notify ADES/CHRP, which must in turn notify FNS SWRO. FNS will consult with the Contracting Office or the NMFV, as applicable, to determine a course of action.

Any fresh fruit and vegetable delivery which fails to meet USDA specifications will be rejected by the USDA representative and Contracting Office. If any lot of fresh fruit or vegetable fails to meet the product or packaging requirements, the vendor may request in writing that USDA accept delivery of the lot. USDA, with agreement from the RFB may, at its option, accept delivery.

## **Accepting and Receipting Shipments**

### **Acceptance of a Shipment**

For shipments originating from a NMFV that include out-of-condition USDA Foods or that do not have the quantity of USDA Foods ordered, the RFB must accept the entire shipment, segregate unusable products, and report the loss or shortage to ADES/CHRP, which must in turn inform FNS Western Regional Office (FNS SWRO) and request guidance on disposing of any out-of-condition foods in accordance with Section X (ten) of FNS instruction 709-5 Rev. 4, and file a complaint in WBSCM for issue tracking purposes.

For shipments originating from a vendor, if the RFB inspection indicates that some, but not a major portion, of the USDA Foods in the shipment are out-of-condition, or that there is only a minor discrepancy from the quantity of USDA Foods ordered, the RFB may accept the entire shipment and segregate any out-of-condition USDA Foods. The RFB in turn must notify ADES/CHRP of the out-of-condition foods, as mentioned above, which must in turn notify the FNS SWRO and file a complaint in WBSCM. FNS will consult with the appropriate Contracting Office to determine a course of action.

Alternatively, for shipments originating from a vendor, when the RFB inspection indicates that some, but not a major portion, of the USDA Foods are out-of-condition, the RFB has the option to immediately notify ADES/CHRP, as applicable, of the out-of-condition foods upon receipt, requesting refusal of that part of the shipment. ADES/CHRP must in turn notify the FNS SWRO and file a complaint in WBSCM. FNS will consult with the appropriate Contracting Office to determine a course of action. This course of action may lead to part of the shipment being rejected.

In the above referenced instances, ADES/CHRP must note within the WBSCM complaint that the delivery issue is being handled as a contracting matter. The WBSCM complaint will be used for trend analysis only, in order for USDA to track such issues over time and ensure the best possible service to consignees.

For latent product defects observed by the RFB after acceptance of the shipment, the RFB must notify ADES/CHRP of the out-of-condition foods, which in turn must notify FNS SWRO and file a complaint in WBSCM.

See Section X (ten) of FNS Instruction 709-5 Rev. 4 for details on the disposition and replacement of out-of-condition USDA Foods.

### **Delivery Receipt**

The RFB must ensure that the delivery receipt (e.g., BOL) indicates the quantity of USDA Foods received, including product that is rejected at the time of receipt for being out of condition and the quantity received in good condition, before signing and dating such receipt and returning it to the vendor or carrier. The carrier, and not the RFB, is responsible for providing the vendor with the signed delivery receipt, with the exception of select bulk products for further processing (e.g., chicken), where the RFB provides grading certificates to the vendor. The signed delivery receipt must match the Goods Receipt quantity entered in WBSCM.

RFBs must email all receipting documents to CHRP within 2 business days of the receipt of each shipment.

Emails containing a BOL for USDA foods must use the following subject line format:

*RFB Acronym-Date of Receipt-Sales Order Number-Sales Order Item Number-Item Description-Program*

### **WBSCM Goods Receipt**

ADES/HRP is responsible for entering the Goods Receipt in WBSCM within two business days of receipt of the product. Electronic receipting within two business days permits expeditious notification to FNS and other parties of the receipt of the shipment and allows payment to vendors in a timely manner. The Goods Receipt must indicate the quantity received in good condition and, if applicable, the quantity received damaged or rejected.

If ADES/HRP has not entered a Goods Receipt within two business days of delivery and the Contracting Office has received an invoice for the shipment, the Contracting Office will enter a Goods Receipt in WBSCM in order to meet prompt payment requirements. The Goods Receipt entry will be based on vendor or carrier-provided proof of delivery documentation such as a signed BOL.

Note that if the entire shipment is rejected by the Contracting Office, no information is required or should be entered into WBSCM.

## **Unloading the Shipment**

### **RFB Responsibilities**

The RFB is responsible for unloading the shipment of USDA Foods and for removing and disposing of dunnage and other debris. The RFB may request reimbursement for costs associated with restacking items that arrive unpalletized or pallets that arrive poorly stacked if appropriate documentation, including photographs, is provided via ADES/CHRP to FNS SWRO before the shipment is accepted. Fees levied on the vendor or carrier (e.g., gate fees or lumber fees) are not permissible. For shipments of frozen or refrigerated foods, the RFB must ensure the freezer or refrigeration unit remains on during unloading.

For shipments originating from a NMFV, the RFB is responsible for unloading their entire order, including items that may be segregated (e.g., frozen under bulkhead), and ensuring that proper temperature is maintained.

RFBs are responsible for unloading palletized loads, even if they do not have the proper equipment to handle the pallets. In addition, RFBs should inquire at the time of delivery scheduling if any USDA direct shipments are slip-sheeted rather than palletized. RFBs are responsible for providing the proper equipment and off-loading labor for handling slip-sheeted loads. If an RFB requests or requires a driver to restock product onto pallets or perform any service in relation to

unloading, the RFB should be aware that the driver will normally charge for the service and that the RFB will be responsible for any restocking or unloading charges.

### **Vendor or Carrier Responsibilities**

All shipments originating from a NMFV will arrive on pallets that must be positioned to facilitate timely unloading of USDA Foods (e.g., no pinwheeling). The NMFV Carrier is responsible for tailgating if previously arranged with the RFB. The vendor or carrier is responsible for shipping product on pallets or equivalent (e.g., slip sheets) that are in acceptable condition, in accordance with applicable contract specifications. If pallet exchange is desired, the vendor or carrier must arrange for pallet exchange with the RFB prior to delivery. Fees levied on the RFB (e.g., lumber fees) are not permissible.

### **Free Time**

The RFB must complete the unloading of the shipment and removal of dunnage and other debris within the period of free time. For palletized loads, free time is up to two hours. For non-palletized loads, free time is up to six hours. USDA may make exceptions for additional free time.

Failure to complete unloading within the free time may incur a demurrage or detention charge, which the RFB is obligated to pay. Charges may be due even if the delivery arrives with no advance notice. 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 ADES/CHRP who will forward the information to the Kansas City Commodity Office, which will review the bill and file the claim through the appropriate FNS regional office.

### **Split Shipments**

Temperature at time of arrival and time of departure must be recorded. In addition, RFBs must 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 RFB's records.

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

- Quantity – unloading documentation or a statement supporting the unloaded quantity reported
- Seals – complete inbound and outbound seal numbers
- Location – where unloading was performed
- Protection and supervision – protection and supervision given the carrier during unloading

### **Segregating Out-of-Condition USDA Foods**

As provided in "Acceptance of Shipment", if the RFB inspection indicates some, but not a major portion, of the USDA Foods in the shipment are out of condition, or there is only a minor discrepancy from the quantity of USDA Foods ordered, the RFB may accept the entire shipment and segregate any out of condition USDA Foods.

In such circumstances, the RFB must identify cases or other units of USDA Foods, or those USDA Foods within a case or other unit, that are out of condition, and segregate such foods from those that are in good condition, making note on the delivery documentation (e.g., BOL) as applicable. USDA Foods with cosmetic damage (e.g., small dents) should be retained for use as feasible.

### **Verifying Quantity of USDA Foods, Overages and Shortages**

The RFB must confirm the quantity of USDA Foods received when unloading to determine if the quantity of foods delivered is the quantity ordered or if there is an overage or shortage of the quantity ordered. Any overages or shortages must be noted on the signed delivery receipt and reflected in WBSCM Goods Receipt.

For shipments originating from a vendor, when there is a shortage of the quantity ordered, ADES/CHRP should notify the FNS SWRO to address any need for additional USDA Foods or to credit entitlement TEFAP. As applicable, the FNS SWRO will work with FNS HQ to address the issue. For split shipments between two or more destinations, it is the responsibility of the RFB to unload the correct quantity at each delivery location in accordance with the Sales Orders. It is the responsibility of ADES/CHRP to make the necessary corrections in the event of an unloading error for split shipments.

For shipments originating from a National Multi–Food Warehouse that have less than the quantity of foods ordered, the RFB must notify ADES/CHRP which must in turn notify FNS SWRO and make arrangements to receive the missing product as appropriate.

### **Re-Sealing for Subsequent Delivery**

It is the responsibility of the vendor or carrier to reseal and rebrace the truck for subsequent deliveries, such as in split shipments, or shipments originating from a NMFV. In a split shipment, the RFB, at the next delivery location, must ensure the seal(s) is intact and the serial number on the seal matches the number on supporting documentation. Issues related to resealing, such as broken or lacking seals, should be referred to ADES/CHRP, which must in turn refer such issues to FNS SWRO.

For questions or issues regarding re-sealing for subsequent deliveries originating from the NMFV, the consignee should contact ADES/CHRP, which must in turn contact FNS SWRO.

### **Delivery Service Upgrade Requests**

When notified of shipments, the RFB may request upgraded delivery services or delivery to an alternate warehouse (e.g., delivery within the RFB's premises, direct delivery tailgating or delivery to a specific room within a building. Note that such delivery terms are beyond USDA contractual requirements.

Any negotiations to upgrade services are between the vendor or carrier and RFB and any additional charges for special delivery terms are between RFB and the vendor or carrier. Any charges invoiced to USDA for additional delivery services will be denied.

### **Required Records and Retention**

The RFB must maintain documentation of:

- The serial number of the seal(s)
- The temperature of a freezer or refrigerated truck or trailer upon arrival
- The result of any inspections by State or local health authorities or USDA certification agent to determine the condition of USDA foods
- The disposition of USDA Foods received out-of-condition, including, as applicable, the destruction of such foods, or a signed salvage receipt for the vendor or carrier

All records must be retained for a period of five (5) years from the close of the fiscal year to which they pertain.

## **Disposal and Replacement of Out-of-Condition Foods**

### **Disposition of Out-of-Condition Foods**

For shipments originating from a NMFV, if the shipment has already been accepted, the RFB must contact ADES/CHRP, which must in turn contact FNS SWRO for guidance in disposing of any out-of-condition foods.

For shipments originating from a vendor that are found to contain out-of-condition USDA Foods, after taking the necessary steps provided in "Out of Condition USDA Foods and Required Notification", the RFB must provide the vendor or carrier with the opportunity to remove such out-of-condition USDA Foods for salvage. If the vendor or carrier chooses to remove such USDA Foods, the RFB must obtain a signed salvage receipt or equivalent and provide it to FNS via ADES/CHRP, upon request.

If the vendor's shipment has already been accepted and the vendor or carrier is unwilling to remove such foods, it is the responsibility of the RFB to destroy or otherwise dispose of the out-of-condition USDA Foods, in accordance with State or local requirements pertaining to food safety and health. Out-of-condition USDA Foods may NOT be used in any USDA food assistance programs. Any USDA markings must be obliterated if the product is salvaged for other use. **HRP-1003A Commodity Disposal Report (CDR)** See Section 12: "Disposal Rules and Procedures" for complete information.

### **Replacement of Out-of-Condition Foods**

For shipments originating from a NMFW that contain out of condition foods, the RFB must work with ADES/CHRP, which must in turn work with FNS SWRO to make arrangements to receive replacement products, as appropriate.

For shipments originating from a vendor the vendor is responsible for replacing USDA Foods shipments that are rejected by the Contracting Office in full or those USDA Foods that are delivered out-of-condition in an accepted shipment. Such replacement must be in-kind, unless FNS approves similar replacement.

In certain limited cases, FNS, working with the appropriate Contracting Office, may pursue a claim against the vendor to the relevant Federal agency for payment of the value of the USDA Foods in lieu of physical replacement of the USDA Foods. The RFB must contact ADES/CHRP, which must in turn contact FNS SWRO to make arrangements to receive replacement products, as appropriate (7 CFR, §250.11).

### **Claims Against Vendor or Carrier**

As applicable, FNS, in coordination with the appropriate Contracting Office, will pursue claims against vendors or carriers, as necessary, to ensure replacement of USDA Foods delivered out-of-condition, in accordance with FNS Instruction 420-1, "Managing Agency Debts."

### **Reimbursement for Expenses**

The RFB may request from FNS SWRO, through ADES/CHRP, reimbursement for expenses incurred in unloading, storing, inspecting, or disposing of USDA Foods that are delivered out-of-condition. In making such a request for reimbursement, the RFB must use **USDA form FSA-21, "Public Voucher - Commodity Programs,"** which must be submitted to FNS SWRO via ADES/CHRP.

## **TEFAP Section 11: Receiving Local Donations into TEFAP**

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

### **Receipt and Distribution Procedure**

RFBs are not required to obtain approval before accepting local donations and counting them as TEFAP inventory. However, ADES/CHRP reserves the right to reject items that are not nutritious and wholesome to be counted as TEFAP inventory.

Local donations that RFB inventory as TEFAP product must be treated like TEFAP product, which cannot be sold, bartered, or traded.

Local donations that RFBs inventory as TEFAP products may be distributed with USDA foods or in conjunction with other programs. However, all guidelines and procedures outlined in the distribution of USDA foods must be followed in the distribution of these products (See TEFAP Section 8 of this manual.)

### **Receiving USDA foods as Donations**

USDA foods are sometimes returned as donations from individual recipients and other agencies. When USDA foods are returned as donations, the RFB should, if at all practical, mark out with a black felt pen the USDA marking except for the name of the product itself. When this is complete, the RFB may use the product the same as any other product received as a donation.

## **TEFAP Section 12: USDA Food Storage and Inventory**

### **Federal Regulatory Storage Requirements**

#### **Storage Facilities**

- RFBs, DSs, and CMSs must provide facilities for the handling, storage, and distribution of USDA foods which:
- Are sanitary and free from rodent, bird, insect and other animal infestation



- Safeguard against theft, spoilage, 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)

ADES/CHRP and RFBs 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). RFBs and DSs should check within their county for required inspections and approvals. RFBs must also ensure all storage facilities support compliance with food recall procedures.

### **Commercial Storage Facilities Contracts**

Contracts for commercial storage facilities shall be effective for no longer than five years, including option years to extend the contract. Before exercising the option years after the fifth year, the storage facility must update all pertinent information and demonstrate that all USDA food received during the previous contract period has been accounted for (7 CFR, §250.14).

Contracts with storage facilities must contain, at a minimum:

- An assurance that the storage facility will be maintained in accordance with the specifications listed above in “Storage Facilities”
- Evidence that donated food will be clearly identified
- Assurance that annual physical inventory will be conducted, and inventory records maintained by the RFB
- 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 thirty-days (30 days) written notice
- Amount of insurance coverage for stored food items
- Express written consent for inspection and inventory by ADES/CHRP, RFB, the Comptroller General or the USDA (7 CFR, §250.14)

### **Arizona Specific Storage Requirements**

RFBs must adhere to the following requirements, as specified by ADES/CHRP per Arizona’s Health 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 vermin
- Food facilities must at all-times be so constructed, equipped, maintained, and operated as to prevent the entrance of vermin, rodents, insects, etc.
- Food facilities must be kept clean and free of litter, rubbish, contaminants, pollutants, etc.
- Food must be stored under climate-controlled conditions in accordance with guidelines printed and distributed by ADES/CHRP
- Food must be placed no closer than six inches to walls, dividers, or other barriers to permit air to flow around the stacking of cases. Additional spacing may be allowed to provide access to product
- When not palletized, food must be stored off the floor, e.g., on shelves, racks, 2” by 4”s, or larger wooden boards
- All food products must be stored away from non-food items that may contaminate food, such as cleaning products, insecticides, rat poison, etc.

**FIFO:** RFBs must implement a system of stock rotation that assures the oldest stock is issued to recipients before more recent stock is issued; often referred to as “first in, first out.”

RFBs must implement an inventory procedure to check physical count and condition for all movement of USDA foods in and out of storage locations. Food items found to be lost, stolen, or out-of-condition must be identified during the inventory and reported by the RFB to ADES/CHRP.

## **Inventory**

### **Inventory Management**

TEFAP USDA Foods must be stored in a manner that permits them to be distinguished from each other and non-USDA Foods in storage. RFBs must maintain a separate inventory record for TEFAP USDA Foods.

Inventory management systems must ensure that all USDA Foods are distributed to participants in a timely manner that permits use of the USDA foods while still in optimal condition.

**RFBs must distribute TEFAP foods within five (5) months of the receipt of the shipment.**

### **Annual Inventory Count**

A physical inventory of ALL USDA Foods must be conducted at least annually at each USDA food storage and distribution site. RFBs must send the results of the physical inventory to ADES/CHRP for reconciliation with inventory records. ADES/CHRP and recipient agencies are required to keep the results of the physical inventory on file, in accordance with Section 14 “Record Keeping and Reporting” of this manual.

### **Inventory Records**

RFBs must maintain records to document the receipt, disposal, and inventory of USDA foods received (7 CFR, §251.10)

RFBs must maintain accurate and complete records with respect to the receipt, distribution/disposal and inventory of USDA foods, including end products processed from donated foods, and with respect to any funds that arise from the operation of the distribution program, including refunds made to RFBs by processors. All entities that contract with RFBs must also maintain such records (7 CFR, 250.16).

RFBs are responsible for documentation of the physical movement and receipt of all USDA foods between RFB locations and DSs.

### **Excessive Inventory**

ADES/CHRP must determine if an RFB’s inventory is excessive based on the rate of distribution, anticipated distribution, and other concerns such as logistical and economic considerations (7 CFR, §250.14).

In no case may the inventory level of each donated item in storage exceed a six-month (6 month) supply for TEFAP, unless the RFB submits justification to ADES/CHRP for additional inventory and obtains approval.

ADES/CHRP shall take corrective action to ensure that excess inventory at all levels is eliminated and shall document actions taken (7 CFR, 250.14).

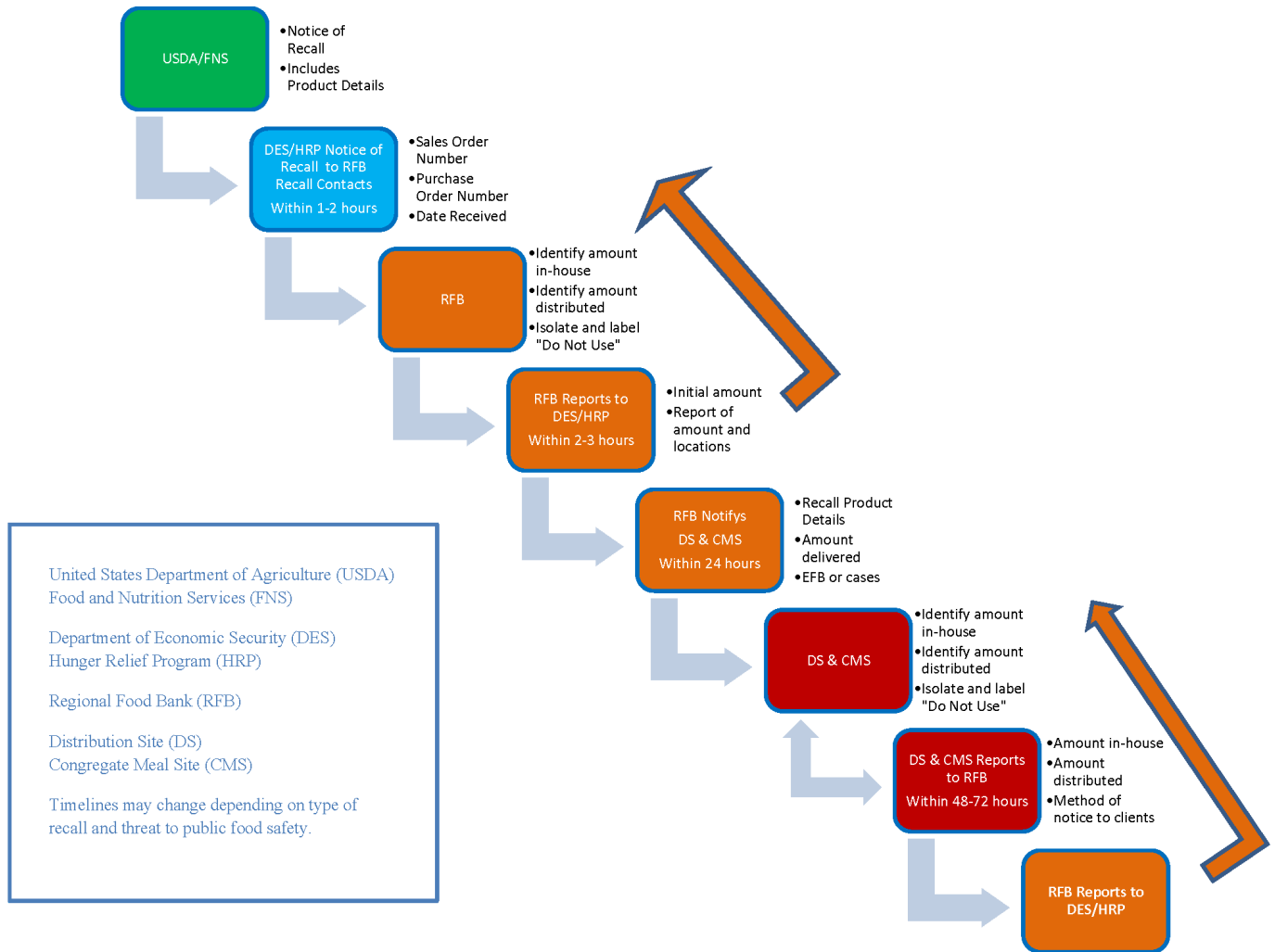
### **Inventory Shortages**

In the case of an inventory shortage, ADES/CHRP need not take any further claims actions against the RFB when:

- The loss of any one USDA food item does not exceed one percent of the total quantity of USDA foods distributed or utilized from any single storage facility during the fiscal year in which the loss occurred, or during the period for which an audit was conducted by USDA or ADES/CHRP (as approved by USDA)
- The cause of the shortage cannot be established
- The lost donated foods were held in non-commercial storage or other facilities owned or operated by ADES/CHRP or an RFB
- There is no indication that the loss was the result of negligence or continued inefficiency in operations

The factual basis for not taking action is subject to review by USDA (7 CFR, §250.15).

## Recall Procedure



### Replacement of USDA foods by RFB

*This information applies to both Theft and Vandalism and Spoiled or Out-of-Condition Food.*

In the event of loss of USDA foods due to improper storage, improper distribution and/or use, neglect, or damage at the fault of the RFB, the RFB 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.

If the value of the loss of USDA foods is less than \$2,500, ADES/CHRP has the discretion to determine whether or not the RFB must replace the loss, by either similar replacement or cash payment. If the value of the loss of USDA foods is greater than \$2,500, USDA will determine the RFB's obligation and method of replacement.

### USDA Food Transfers to Other RFBs

RFBs may transfer USDA foods only after receiving approval from USDA/FNS or ADES/CHRP.

When an RFB wants to transfer TEFAP foods to another RFB for use in the same USDA program (e.g., TEFAP transfer for TEFAP use), the RFB must submit a transfer request to ADES/CHRP for approval. ADES/CHRP will review the request and inform the initiating RFB of the decision. Both transferring and receiving RFBs must complete the same **HRP-1007A Commodity Transfer Report** and document in the appropriate monthly reporting.

## USDA Food Losses, Spoilage and Out-of-Condition Food

RFBs must provide facilities for USDA foods that are safe against theft and other loss (7 CFR, §250.14).

*\*Take several photos to document losses. Photos are to be submitted to DES.*

### Liability

Upon the occurrence of any event creating a claim in favor of ADES/CHRP against an RFB, warehouseman, carrier, or other person, for the improper distribution, use, or loss of, or damage to USDA foods, ADES/CHRP must take action to obtain recovery (7 CFR, §250.15).

If the total amount disposed is under \$500 HRP will need to come to a determination regarding whether they wish to file a claim in regards to having the RFB replace the disposed food. If the total of the disposed food is over \$500 USDA will come to the decision regarding whether to file a claim.

### Theft or Vandalism

To prevent loss due to theft or vandalism, it is important that storage areas be secured. RFBs must implement procedures and controls to meet security needs according to the accessibility and design of the storage facilities. Control procedures must be open and visible to the public and staff. Upon discovery of a theft or loss due to vandalism or other criminal act, the RFB must:

- Immediately, file a police report
- Notify ADES/CHRP by phone for specific instructions
- Complete **HRP-1001A USDA Commodity Loss Report (CLR)** and email to ADES/HRP  
CoordinatedHungerReliefProgram@azdes.gov *\*For DSs, HRP-1001A should be completed and sent to the RFB*

### Spoiled or Out-of-Condition Food

USDA food must not be disposed of without approval of the USDA (7 CFR, §250.13). If USDA foods go out-of-condition for any reason, the DS and/or RFB must:

- Set the product aside to isolate it from other product
- Notify RFB (if DS) and/or ADES/CHRP (if RFB) by phone as soon as the discovery is made
- Complete **HRP-1001A USDA Commodity Loss Report (CLR)** and email to ADES/HRP  
CoordinatedHungerReliefProgram@azdes.gov *\*For DSs, HRP-1001A should be completed and sent to the RFB*

**Do not dispose of out-of-condition food until instructed to do so.**

Once an RFB obtains approval, **HRP-1003A Commodity Disposal Report (CDR)** must be completed and sent to ADES/CHRP. See “Disposal Rules and Procedures” for details.

## Disposal Rules and Procedures

USDA foods must not be sold, exchanged, or disposed of without approval of USDA (7 CFR, §250.13). Therefore, RFBs may not dispose of any USDA foods at their own discretion. RFBs must get written authorization from ADES/HRP to dispose of USDA foods.

Any product to be disposed of is also considered a USDA food loss.

To obtain authorization to dispose of product that is out-of-condition, the RFB must:

- Set aside or appropriately isolate the out-of-condition product from other products. RFBs must exercise special care in isolating infested or contaminated food away from other product. Affected product must not be accessible to the public
- Call ADES/CHRP for further instructions.

- Submit a corrective action plan regarding the losses and how they intend to prevent this from happening in the future
- Complete **HRP-1003A USDA USDA food Loss Report (CLR)**
- Email pictures of products, and the Commodity Loss Report to [CoordinatedHungerReliefProgram@azdes.gov](mailto:CoordinatedHungerReliefProgram@azdes.gov)

Certification from a local public health official or a USDA inspector may be required prior to disposal.

### **Disposal Procedures**

Upon written authorization from ADES/CHRP to dispose of the product, the RFB must either:

- Render the affected product unfit for human consumption by mixing it with dirt and burying it in a landfill
- Donated the affected product to be used as livestock feed
- Transfer the affected product to a successful bidder or vendor specified by ADES/CHRP or USDA
- Send the affected product to a composting center
- Record disposal of all USDA foods on the HRP-1012A Food Distribution Monthly Statistical Report

If the product will not be donated as livestock feed or transferred to a vendor, the RFB must ensure that affected product is properly disposed of and does not find its way to the public through scavengers. If affected food does find its way to the public and proper procedures have not been followed, the RFB may be held liable. This also means that affected product must be secure while awaiting disposal authorization and procedures.

### **Disposal Records**

RFBs must maintain documentation for each authorized disposal (7 CFR, §251.10). RFBs must also record the disposed product on the Monthly Statistical Report submitted to ADES/CHRP. HRP-1003A is considered backup documentation to the monthly statistical inventory report. Therefore, the RFB must retain one copy of HRP-1003A for inventory audit purposes. ADES/CHRP will forward a copy of HRP-1003A to the USDA.

## **TEFAP Section 13: Record Keeping and Reporting**

### **Records**

#### **Required Records**

RFBs must maintain accurate and complete records with respect to the receipt, distribution/ disposal and inventory of USDA foods, including end products processed from USDA foods, and with respect to any funds, which arise from the operation of the distribution program, including refunds made to RFBs by processors. All entities that contract with RFBs, including DSs, must also maintain such records (7 CFR, 250.16 & 251.10).

RFBs must maintain ADES/HRP–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.

RFBs must maintain the following records:

- Number of program participants by program, by month, by county
- The receipt, disposal, distribution, and inventory of USDA foods
- The receipt and disbursement of administrative funds and other funds
- Eligibility determinations, participant demographics, fair hearings, and other program activities
- The use of loss of or damage to USDA foods
- Results obtained from the pursuit of claims arising in favor of ADES/CHRP or the RFB

Records must be retained for a period of five (5) years from the end of the fiscal year to which the records pertain. Records related to unresolved claims actions, audits or investigations must be retained until the unresolved activity is completed.

All records must be available during normal business hours for use in management reviews, audits, investigations or reports due to the Federal or State government (7 CFR, §247.29(a), and §251.10(4)).

## Regional Food Bank Required Reports

Reports are to be completed as of the last business day of the reporting month and must be sent to ADES/CHRP and the Contract Specialist by the 15<sup>th</sup> of the following month. If the 15<sup>th</sup> lands on a weekend or holiday, RFBs may submit them the following business day.

ADES/CHRP requires RFBs to submit the following reports:

### Monthly

- HRP-1012A Food Distribution Monthly Statistical Report
- TEFAP Monthly Commodity Inventory Report
- (As Needed) Corrective Action Plan Status or Completion Reports.
  - RFBs must submit to ADES/CHRP status or completion reports monthly, or as scheduled, according to corrective action plans required as the result of a processed complaint, monitoring report, review report, or as requested by ADES/CHRP

### Annually

- Current certificates of insurance (Due at least 30 days prior to expiration)
- **HRP-1055A TEFAP Annual Agreement-CHRP/RFB**

### Post-Conduction

- Copy of Feeding America audit (within 30 days of receipt)

### As Needed

- **HRP-1014A Civil Rights Complaint / Grievance**
- **HRP-1001A USDA Commodity Loss Report (CLR)**
- **HRP-1003A Commodity Disposal Report (CDR)**
- **HRP-1007A Commodity Transfer Report**
- **HRP-1017A Request to Terminate USDA Distribution Site**

## Distribution Site Required Reports

Specific reporting requirements for DSs are as follows:

### Monthly

- **HRP-1005A TEFAP Monthly Inventory and Participation Report (MIPR) - Distribution Sites**
- **HRP-1013A The Emergency Food Assistance Program Household Distribution Site Sign-In Sheet** (if not using Link2Feed)

### Annually

- **HRP-1040A Annual USDA Commodity Food Service Application and Agreement Between Regional Food Bank and Distribution Site**
- **HRP-1015A Annual Civil Rights Training**

## As Needed

- **HRP-1003A Commodity Disposal Report**
- **HRP-1001A USDA Commodity Loss Report**
- **HRP-1016A Volunteer Confidentiality**
- **HRP-1014A Civil Rights Complaint / Grievance**

## TEFAP Section 14: Administrative Funding, Usage and Accounting

### Use of Funds

Administrative funds are used to ensure the efficient and effective operation (administration) of the program (7 CFR, §247.25(a) & §251.8(e)(2)). RFBs must maintain ADES/CHRP 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.

RFBs must submit the ADES/CHRP Contractor's Invoice and Statement of Expenditures form monthly.

### Allowable Use

Direct and indirect allowable costs for 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
- Rent and utilities
- Accounting, auditing, and other administrative services
- Computer services
- Costs related to providing program services to DSs subcontracted to primary RFBs, i.e., technical assistance workshops
- Costs associated with determination of eligibility, verification, and documentation
- Costs associated with providing information to persons receiving USDA foods regarding proper storage and preparation
- Costs for publications about times and locations of distributions (7 CFR, §250.15 & §251.8; Final Rule, Sec. 251.8)
- Meals provided to volunteers (i.e., non-salaried staff) for services rendered during the distribution of USDA 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 (FNS Instruction 716-3)

Distribution charges shall not be based on a percentage of the value of the USDA foods distributed (7 CFR, §250.15).

An RFB 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 Office of Management and Budget (OMB) Circular A-87 for details).

TEFAP funds can be used for processing, transporting, storing, handling, repackaging, and distributing both USDA and non-USDA food. Use priority should be for USDA food, however. Interstate expenditures are also allowed, even before the agency receives USDA foods, as long as USDA foods are earmarked for the agency (Final Rule, Sec. 251.8). RFBs must obtain prior approval from ADES/CHRP before claiming these costs. Only costs approved by ADES/CHRP will be allowable for reimbursement.

### **Capital Expenditures**

RFBs must keep separate accounting records for all capital expenditures. These records must be easily accessible for review by ADES/CHRP and USDA staff.

Equipment purchased with TEFAP monies becomes the property of USDA and may not be given, traded, or sold without permission from ADES/CHRP.

**Capital expenditures, including the acquisition of facilities or equipment or enhancements to such capital assets, with a cost per unit of \$5,000 or more require prior approval from USDA/FNS before the funds can be spent (7 CFR 247.25(c)).**

An Equipment Inventory Form must be completed and submitted within 30 days of the acquisition of new equipment purchased with TEFAP funds and submitted annually thereafter every July. Examples of equipment include, but are not limited to automated information systems, automated data processing systems, and other computer hardware and software.

### **Procurement Procedures**

When procuring property, equipment, or services with program funds, or disposing of property or equipment purchased with program funds, ADES/CHRP and RFBs must use the procedures identified in 2 CFR Part 200, as appropriate. ADES/CHRP and RFBs are authorized to use procurement procedures established by the State or RFB, insofar as the State or RFB procedures do not conflict with Federal regulations.

Federal regulations do NOT relieve ADES/CHRP or RFBs from their respective responsibilities as established in contracts relating to the procurement of property, equipment, or services.

ADES/CHRP is the responsible authority regarding the settlement of all contractual and administrative issues arising from procurements related to TEFAP.

### **Program Income**

Program income is income directly generated from program activities (7 CFR § 247.25 (e)). Program income includes revenue from activities such as the sale of packing containers or pallets and the salvage of USDA foods. Program income does not include interest earned from administrative funds.

ADES/CHRP and RFBs must use program income for allowable costs supporting TEFAP operations.

### **Funds Recovered from Claims Actions**

ADES/CHRP must use program funds recovered as a result of claims actions against RFBs in accordance with 7 CFR § 250.15(c), which addresses the replacement of recalled USDA Foods and reimbursements for specific costs related to handling USDA Foods recalls.

DES/CHRP, RFBs and DSs, as appropriate, must follow all applicable Federal, State and local requirements for USDA Foods subject to food recall. In the event of a recall, USDA and all other responding parties provide guidance, procedures and instructions for the replacement of recalled USDA Foods and reimbursement of specific costs incurred as a result of such actions. 7 CFR § 250.15(c)

ADES/CHRP must use program funds recovered as a result of claims actions against participants for allowable program costs. RFBs are authorized to use such funds for allowable program costs at the local level.



## **Surplus Funds**

If by the end of the fiscal year ADES/CHRP has not obligated all allocated administrative funds, ADES/CHRP must return the unobligated funds to USDA/FNS.

## **Financial Management Requirements**

ADES/CHRP and RFBs must maintain a financial management system that is in compliance with Federal regulations contained in 2 CFR Part 200, as appropriate. The ADES/CHRP system must provide accurate, current, and complete disclosure of the financial status of the program, including an accounting of all program funds received and expended during each fiscal year. In addition to other requirements, the ADES/HRP financial management system must provide for:

- Prompt and timely payment of allowable costs
- Timely disbursement of funds to RFBs
- Timely and appropriate resolution of claims and audit findings
- Maintenance of records identifying the receipt and use of:
  - Administrative funds
  - Funds recovered as a result of claims actions
  - Program income
  - Property and other assets procured with program funds

RFBs must develop, implement, and maintain a financial management system that allows the RFBs and ADES/CHRP to meet all Federal requirements in addition to the requirements outlined in this section.

## **Monitors (audits)**

Monitors are used to ensure that financial operations are properly conducted, financial reports are fairly presented, proper inventory controls are maintained, and all applicable laws, regulations and administrative requirements are being followed.

USDA may conduct an audit of ADES/CHRP or RFBs at any time, while ADES/CHRP may conduct an audit of RFBs at any time. Audits may include reviews of financial documents, policies and practices, as applicable to the specific area of concern.

RFBs must provide access to any records or documents related to the program and must ensure that all audit reports are kept available for USDA/FNS or ADES/CHRP review.

When deficiencies (i.e., audit findings or recommendations) are identified, the auditee must submit a response to the auditor describing the actions planned or taken to address deficiencies. The auditor reviews the response to ensure it adequately addresses the deficiencies. If additional actions are needed, the auditor will schedule a follow up review and allow sufficient time for further corrective actions.

RFBs have the right to take exception to particular identified deficiencies.

Note that the value of USDA foods distributed by recipient agencies must be considered as part of the Federal award.

All audits must be conducted in compliance with 2 CFR Part 200.

## TEFAP Section 15: Compliance Monitoring and Accountability

### USDA Reviews

The FNS of USDA reviews State agencies, RFBs and distribution sites at random. Frequently, these are unannounced visits of which neither ADES/CHRP nor RFBs are notified in advance.

With FNS approval, site reviews conducted by the FNS SWRO may be counted toward the total number of reviews that ADES/CHRP is required to perform annually.

The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, may:

- Inspect and inventory USDA 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 USDA Foods
- Review or audit the procedures and methods used in carrying out the requirements at any reasonable time (7 CFR, §250.18)

### ADES/CHRP Reviews of RFBs

ADES/HRP has established a management review system to ensure that all agencies conducting TEFAP program activities meet program requirements and objectives. During the onsite review, ADES/CHRP evaluates all aspects of program administration, including eligibility/certification procedures, nutrition education, civil rights compliance, food storage practices, inventory controls and financial management systems.

ADES/HRP reviews of ERAs and distribution sites must include:

- Eligibility determinations, including a review of RFB procedures and controls to ensure that distribution sites are complying with eligibility guidelines and notifications
- 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, physical inventory counts, and records of receipt by eligible signatures on either Link2Feed or sign-up sheets
- Approval of distribution sites to ensure proper and equitable selection of sites 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 nondiscrimination procedures (Final Rule, §251.10)
- 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

ADES/CHRP also evaluates program administration on an ongoing basis by reviewing financial reports, audit reports, food orders, inventory reports and other relevant information. ADES/CHRP compliance reviews are an on-going process. ADES/CHRP may conduct documented reviews of RFBs and DSs as often as once every fiscal year.

The minimum Federal requirement of ADES/CHRP reviews of RFBs and DSs must be conducted during actual distribution of USDA foods or meal service, and eligibility determination (Final Rule, Sec. 251.10). ADES/CHRP may, at its discretion, also review distribution sites and meal service sites at times other than during distributions.

ADES/CHRP is required to monitor the operation of TEFAP to ensure that it is being administered in accordance with Federal and State requirements. ADES/CHRP must review, at a minimum, 25 percent of all RFBs that have an agreement with ADES/CHRP annually and review all such RFBs at least once every four years. Of the RFBs that have agreements with DSs, ADES/CHRP must review one-tenth or twenty, whichever is fewer, each year (Final Rule, Sec. 251.10).

### **Deficiencies**

When a deficiency is found, ADES/CHRP must record all deficiencies identified during the review and institute follow-up procedures to ensure that RFBs or DSs correct all deficiencies within a reasonable period of time. To ensure improved program performance in the future, ADES/CHRP may require that RFBs adopt specific review procedures for use in reviewing their own operations and those of contractors.

ADES/CHRP must provide copies of review reports to USDA/FNS upon request. ADES/CHRP must only submit a report of findings to RFBs if a deficiency is found. In such cases, ADES/CHRP will produce a report for the RFB that includes a description of each deficiency found and contributing factors, requirements for corrective actions, and timetable for completion of corrective action (Final Rule, §251.10).

### **RFB Reviews of Distribution Sites/Congregate Meal Sites**

RFBs are required to conduct annual monitoring and review visits of their distribution sites each year using the form [HRP-1027A USDA Compliance Review](#) or [HRP-1011A TEFAP Compliance Review Report \(CRR\) - Congregate Meal Site](#). The distribution site must demonstrate compliance with Federal and State regulations and requirements.

RFB review of distribution sites must include all of the same elements as listed above for ADES/CHRP reviews of RFBs. Additionally, it must also include the following:

- Ensure that proper signage is prominently posted
- Evaluation of distribution rates to ensure that USDA foods are being distributed in equitable proportions based on household size; and
- Ensure that unrelated activity is being conducted in accordance with Federal regulations

Results of the RFB review of DSs are to be reported to ADES/CHRP via [HRP-1027A USDA Compliance Review](#).

### **Corrective Action Plans**

Any RFB or DS that fails to comply with any Federal regulation or program requirement must submit a corrective action plan to ADES/CHRP for approval. ADES/CHRP will issue instructions related to the proposed plan and/or monitor the implementation of the plan for correction. RFBs are required to respond to any findings that require correction within thirty (30) days of receipt of the corrective action report.

### **Accountability**

#### **ADES/CHRP Accountability**

ADES/CHRP is accountable to USDA for the proper recording and usage of all TEFAP funds and USDA foods allocated to the State of Arizona.

#### **RFB Accountability**

RFBs are accountable to ADES/CHRP and USDA for adherence and compliance with all laws, rules, regulations, policies, and procedures set forth by USDA or ADES/CHRP in manuals, letters, and other correspondence.

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

An RFB subcontractor is equally accountable to ADES/CHRP for compliance and adherence to all laws, rules, regulations, policies, and procedures set forth by USDA or ADES/CHRP in manuals, letters, and other correspondence, as is any RFB.

Distribution sites are accountable to the RFB, ADES/CHRP and USDA, although routine program direction and guidance will normally be issued by the RFB. In the event of an emergency, ADES/CHRP or USDA may intercede as necessary.

## TEFAP Section 16: Forms and Documents

ADES/CHRP creates and provides forms and documents that must not be altered except with approval from ADES/CHRP. Please note that all are subject to an on-going review and may be revised at any time.

Most documents and forms may be downloaded from the ADES [Documents Center](https://des.az.gov/documents-center) (des.az.gov/documents-center) under the filter category “Hunger Relief.” Exceptions are noted below.

### Reports

HRP-1001A	USDA Commodity Loss Report (CLR)	
HRP-1003A	Commodity Disposal Report (CDR)	
HRP-1005A	TEFAP Monthly Inventory and Participation Report (MIPR) Distribution Site	
HRP-1007A	Commodity Transfer Report	
*HRP-1012A	Food Distribution Monthly Statistical Report	Provided by CHRP
*HRP-1012B	Food Distribution Monthly Statistical Report Instructions	Provided by CHRP

### Operations Forms

HRP-1013A	The Emergency Food Assistance Program Household Distribution Site Sign-In Sheet
HRP-1015A   HRP-1015A-S	Annual Civil Rights Training Affirmation
HRP-1016A   HRP-1016A-S	Volunteer Confidentiality
HRP-1017A	Request to Terminate USDA Distribution Site
HRP-1027A	USDA Compliance Review
HRP-1040A	Annual USDA Commodity Food Service Application and Agreement Between Regional Food Bank and Distribution Site
HRP-1055A	TEFAP Annual Agreement-CHRP/RFB

### Participant Forms

HRP-1014A   HRP-1014A-S	Civil Rights Complaint / Grievance
HRP-1028A   HRP-1028A-S	Application for Benefits (TEFAP, CSFP)

### Flyers and Signage

HRP-1023A	The Emergency Food Assistance Program (English/Spanish)
HRP-1065A	Written Notice of Beneficiary Rights

### Other

*Capital Equipment Inventory Form	Obtain this from the DES Contract Specialist
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