

# ADDENDUM TO SERVE CSFP (USDA) PRODUCTS

Addendum to Partner Agency Agreement & Release  
Foodbank of Southeastern Virginia & the Eastern Shore



**Name of Organization** \_\_\_\_\_

Address \_\_\_\_\_

City/County \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**Distribution Address** \_\_\_\_\_

City/County \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**Point of Contact & Title** \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Person Responsible for Reporting** \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Days and times of distribution** \_\_\_\_\_

## Definitions:

- Partner Food Bank – a food bank who is a part of the Feeding America Network. The Foodbank of Southeastern Virginia and the Eastern Shore (FSEVA) is a Partner Food Bank.
- Program Site – any hunger relief program operated at or in conjunction with a nonprofit, for-profit, municipality, educational institution, or other organization under the Foodbank of Southeastern Virginia and the Eastern Shore’s Public Charity Status.
- Public Charity – nonprofit organization that is tax-exempt under Section 501(c)(3) of the Code and that is classified as a public charity under Section 509(a)(1) or (a)(2) of the Code.
- Partner Agency – either a public charity or a religious organization such as a church, mosque, synagogue, etc. operating under its own charity umbrella.
- Virginia Department of Agriculture and Consumer Services (VDACS) – is the state agency which the FSEVA directly reports to for any federal programs such as CSFP.
- United States Department of Agriculture (USDA) – is the federal agency which VDACS and ultimately FSEVA report to concerning any federal programs such as CSFP.
- The Commodity Supplemental Food Program is also known as CSFP.
- FSEVA’s fiscal year starts July 1<sup>st</sup> and ends June 30<sup>th</sup>.
- FSEVA will refer to any organization partnering to serve federal foods as a pantry in this document.

### **Purpose of this Document:**

To supplement program site agreements OR partner agency release and agreements to cover the rules for participating in the CSFP program specifically.

### **Relationships and Responsibilities:**

FSEVA agrees to provide:

- CSFP foods which Federal Programs staff will place on orders.
  - Federal foods free of charge.
  - Deliveries free of charge (if transportation's schedule allows for additional deliveries and if there are federal commodities on the order) as long as VDACS continues to cover administrative costs.
- Annual Civil Rights and Program Overview Training.
- Contact information for Federal Programs staff.
- Applications and Proxy Forms
- Income Guidelines
- "And Justice for All" Poster
- Civil Rights Complaint Forms
- Provide written agreements to be signed by the Point of Contact.
  - Addendum
  - Any addendums required by VDACS
- A pre-approved flyer to advertise the distribution which includes the non-discrimination statement.

### **Civil Rights and Treatment of Clients:**

- All staff and volunteers will be polite and respectful of clients.
- All clients will receive food regardless of race, color, national origin, sex (including gender identity and sexual orientation), disability, or age. The pantry and its staff/volunteers will not discriminate against any clients.
- The pantry staff and volunteers WILL NOT look at or use IDs to complete forms, unless they are verifying ONLY the proxy or Power of Attorney of the client.
- Provide reasonable modifications and access for individuals with disabilities or provide services in alternative languages for Limited English Persons (LEPs).
  - Pantry staff/volunteers must have a translation app on their phone.
  - If resources are needed in alternative formats or additional languages outside of English and Spanish, the Point of Contact will contact FSEVA.
- Must permit service animals to accompany individuals with disabilities in all areas where the public is allowed to go.
  - You may only ask:
    - Is the dog a service animal required because of a disability?
    - What work or task has the dog been trained to perform?
  - ADA says service animals are:
    - Dogs
      - Any breed and any size of dog
      - Trained to perform a task directly related to a person's disability.
- Make Civil Rights Complaint forms available at all distributions.
- Clearly display the "And Justice for All" poster at all distributions.
- Provide all program updates to clients.

- There will be NO bartering, selling, or exchanging of services for food or product (including any sort of participation in a religious activity).
- Keep any religious worship, prayer, proselytizing at a separate time and place of both the intake and the food distribution.
- Organizations are required to have a minimum of 30 minutes in between food distribution and a religious service.
- During federal food distributions, pantries must avoid any activities or conversations that could be construed as proselytizing, prayer, worship, etc. and in turn create a feeling of obligation for clients to participate.
  - If the client initiates a conversation about religion, take that conversation to another area separate from the distribution.
- **Organizations must not discriminate on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.**
  - If clients object to the religious character of your organization, direct any clients who are uncomfortable receiving foods from a religious affiliated organization to the Foodbank's website: [www.foodbankonline.org](http://www.foodbankonline.org)

#### **Federal Foods should to be Stored According to These Rules:**

- Secure in a locked room.
- Separate from non-federal foods by room, shelving, and or signs. It must be clear which foods are federal and which are not.
- Stored 6 inches off of the ground.
- Kept 4 inches away from the walls.
- Kept 2 inches from the ceilings to allow for air circulation.
- Have a rack on the bottom of any chest freezers to allow for air circulation.
- Have routine exterminations to avoid pests, and keep record of these on file for 2 years.
  - If you perform your own extermination services, you must log them and keep them on file for 2 years.
- Have adequate lighting.
- Keep foods within the following temperature ranges:
  - *Dry 50-70 degrees Fahrenheit*
  - *Chill (refrigerated) 32-40 degrees Fahrenheit*
  - *Frozen 0 or below degrees Fahrenheit*
- Keep foods away from pipes and chemicals.
- Do not keep federal foods on hand for 6 or more months. Foods should be moving in/out of your pantry quickly.
  - Holding foods for 6 months or more is excessive. You could be liable for the cost of the product especially if it expires.
- Practice FIFO ("First in, first out").
- Check for shortages, overages, and damages when you receive your food.
  - Record damages on your monthly report.
  - If you have any excessive damages or spoiled perishables, please notify Federal Programs Staff.

### **Recalls:**

- Know how to contact your clients in the event of a recall. If they disclosed a number on their SDI, you would have access to that.
- Label any remaining product as “DO NOT USE.”
  - Check within 48 hours how much of the affected product do you have.

### **Food Loss:**

- Contact FSEVA if you have any of the following:
  - Major infestations
  - Vandalism – provide a copy of the police report and insurance covering the facility.
  - Theft – provide a copy of the police report and insurance covering the facility.
  - Fire – provide a copy of the police report and insurance covering the facility.

### **Information Needed for Food Complaints (provide as much as possible):**

- Product name and number
- Description of the problem
- Date your agency received the product
- Quantity and physical address of remaining product
- Invoice/order number
- Any lot #s or can codes printed on the packaging
- Your agency name, address, and phone number
- If the complaint comes from someone else, report their name and contact information.
- Report of any illness or injury (ask if a doctor was seen or if the health department conducted an investigation)
- Photograph of foreign object or problem
- Original container or packaging of unopened product
- Any uneaten portion of the food (FSEVA will contact the state to see how it should be kept)

### **Cooking Demonstrations and Samplings:**

- Contact FSEVA requesting authorization. FSEVA will then contact VDACS for approval.
- Ensure that only qualifying clients are participating.

### **Reporting:**

- Pantries who use paper reports are required to submit:
  - A copy of the Application and the Proxy Form for any new or recertifying clients.
  - A list of who received CSFP boxes and cheese each month.
  - Temperature logs\* for the rooms and units where federal foods are stored. Record temperatures 3 times a week for EVERY week of the month for dry, chill, and frozen storage.
    - This is required for sites who store over 12 hours. If you distribute the same day and never store food overnight at any point in the month, you are not required to submit this.
  - The standard monthly report that is required of all pantries who submit paper reports must include the numbers of individuals and households served using federal foods as well as non-federal foods.
  - These are due the 1<sup>st</sup> of the month, but there is a grace period until the 7<sup>th</sup> of the month.
- Link2Feed or Service Insights users:

- A copy of the Application and the Proxy Form for any new or recertifying clients.
- A list of who received CSFP boxes and cheese each month.
- Temperature logs\* for the rooms and units where federal foods are stored. Record temperatures 3 times a week for EVERY week of the month for dry, chill, and frozen storage.
  - This is required for sites who store over 12 hours. If you distribute the same day and never store food overnight at any point in the month, you are not required to submit this.
- These are due the 1<sup>st</sup> of the month, but there is a grace period until the 7<sup>th</sup> of the month.

### **Record Retention:**

- Keep the following for three fiscal years:
  - Agreements
  - Applications and Proxy Forms
  - Copies of Power of Attorneys
  - Extermination services
  - Food loss and how it was handled
  - Invoices
  - Reports
  - Temperature Charts
  - Training Records

### **Site Reviews:**

- VDACS, USDA, and FSEVA reserve the right to visit any of your distributions without prior notice.
- Make sure Federal Programs staff are aware of any changes to distribution days/times. Please notify us within 10 days so that we can make changes on the website and notify both VDACS and USDA as soon as possible.
- FSEVA will visit once every fiscal year during one of your pantry's distributions to evaluate: food safety, program compliance, civil rights compliance, etc.

### **Determining Eligibility:**

- Only use the eligibility guidelines created by the state.
- Only use the Application and Proxy Form provided by the Foodbank.
- Acquire and fill out on the Applications and Proxy Forms:
  - Name, gender, date of birth, identification provided, address, phone number, household income, number of individuals living in the household, ethnicity, and race.
  - For homeless individuals, please put the address or intersection where they stay the most frequently.
- Pantries will use income eligibility guidelines to determine if seniors qualify for federal foods.
  - Income guidelines are updated annually with the new manual VDACS provides.
- For an individual or family to qualify, they or their Power of Attorney must declare for them in person, via phone, or via email. No one else is legally able to register them for federal foods.
  - You may ask for paperwork to prove someone is the Power of Attorney for a client and for the Power of Attorney's ID.
- Clients who want to participate must reside in Virginia. Migrant workers qualify. They do not have to be a citizen, but they must reside in Virginia to receive these foods.
- Clients can pre-authorize other individuals to pick up for them on the Proxy Form.
- All Applications and Proxy Forms must be completed in ink.

- Signatures are only required on the initial application. For the monthly lists, sites can put checks next to clients names to log if they received a CSFP box and cheese.
- Clients are required to recertify every 2 years.
  - FSEVA recommends recertifying clients at the same time every 2 years regardless of when someone joined the program. Ex: recertify clients July every 2 years. This will make paperwork easier for the pantry.

### **Caseload:**

- 1 senior = 1 caseload
- FSEVA receives a caseload from VDACS of how many seniors can be served in their region. FSEVA is required to be at 95%-100% distribution at all times which means each site should be at 100% distribution. VDACS reserves the right to shift, increase, or decrease caseload.
- FSEVA will work with each pantry to maintain existing caseload or to determine a starting caseload (based on availability).

### **Program Violations:**

- Include: making false or misleading statements (verbally or in writing), withholding information relative to their eligibility for the program, selling or exchanging CSFP foods, any abuse or threat of abuse to program staff, or dual participation (receiving boxes from multiple sites each month)
- If participants or their proxies commit any of the violations, the FSEVA may disqualify the participants for up to one year.
  - If disqualifying the participant puts them at serious health risk, disqualifying the participant can be waived.
  - To prevent dual participation, please submit to FSEVA all applications and a list of who participates at your site. FSEVA can initiate a claim to recover the value of the CSFP benefits if it exceeds \$200.
    - The participant will be immediately terminated from one of the programs.
- VDACS will mandate that FSEVA permanently disqualify any participants who commit three violations that include fraud.

### **Disqualifying Clients:**

- FSEVA will provide written notice 30 days in advance to any participants who have committed any violations of them being disqualified. The notice must include:
  - Effective date and the period of the disqualification
  - The reason for the disqualification
  - A statement that the disqualification can be appealed through a fair hearing process

### **Fair Hearing Process:**

- The participant or their proxy can request a fair hearing by providing a clear statement verbal or written to VDACS, FSEVA, or the pantry.
- The participant has 60 days from the date they receive notice or their denial, discontinuation, or disqualification to request a fair hearing.
- They will be given 10+ days written notice of the time and place of the hearing.
- At the hearing, they will be able to:
  - Examine the document supporting VDACS and/or FSEVA's decision
  - Receive assistance or representation from an attorney or other persons

- Bring witnesses
- Present arguments
- Question or refute testimony or evidence which includes the opportunity to confront and cross-examine others
- Submit evidence to help establish facts and circumstances
- The Hearing Official must be an impartial official who doesn't have any involvement or personal stake in the action/decision:
  - Administers oaths or affirmations
  - Ensures that all evidence necessary is presented and included in the record of the hearing
  - Ensures that the hearing is conducted orderly in accordance with due process
  - Make a hearing decision

### **Distribution:**

- A senior may receive these foods at a maximum of once a month from only one site.
- There is no retroactive distribution. *Ex: Joe wasn't able to get his box in June, so he asks if he can pick up his boxes for June and July.*
- There is set guidance from the government on what goes in the box. FSEVA must follow Federal guidelines.
- One qualifying senior can receive only one CSFP box and one cheese a month. Pantries can supplement with other foods if they choose.
- These foods are not designed to meet the total food needs of a senior. The goal is to provide nutritious foods that tend to be missing from their daily diets.
- Foods cannot be used as payment for volunteers or staff.
- Payment, volunteering, materials, attending a religious service, prayer, or any other services cannot be required for clients to receive food.
- Soliciting for volunteers or donations must be done separately from the food distribution.

### **Liability Release, Express, Warranties, and Fees:**

- All pantries are programmatically, fiscally, and legally responsible for the federal product handling/distribution activities of the designated group.
- The pantry is held liable for any loss of USDA Foods resulting from improper distribution, or improper storage/care/handling of USDA foods.
- The pantry must report any losses to FSEVA immediately.
- The pantry and FSEVA reserve the right to terminate this addendum but must provide written notice within a minimum of 30 days.
  - The pantry would need to coordinate with FSEVA to return all federal foods to FSEVA or another approved CSFP pantry.

### **Nondiscrimination Statement**

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

program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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

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

1. mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

2. fax: (833)256-1665 or (202) 690 7442  
or 3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

The program standards are applied without discrimination by race, color, national origin, age, sex or disability.

**Acknowledgement of Addendum:**

I, \_\_\_\_\_ (Point of Contact Name), with \_\_\_\_\_

\_\_\_\_\_ (Your Organization's Name) agree to uphold the rules, regulations, standards, etc. listed

above in this document.

\_\_\_\_\_  
Signature of Pantry Point of Contact

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of FSEVA Staff

\_\_\_\_\_  
Date