

ADDENDUM TO SERVE TEFAP (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 TEFAP.
- United States Department of Agriculture (USDA) – is the federal agency which VDACS and ultimately FSEVA report to concerning any federal programs such as TEFAP.
- The Emergency Food Assistance Program is also known as TEFAP.

- Self-Declared Income form is also known as SDIs.
- FSEVA's fiscal year starts July 1st and ends June 30th.
- 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 TEFAP program specifically.

Relationships and Responsibilities:

FSEVA agrees to provide:

TEFAP foods to order via Agency Express.

- 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.
- SDIs to be filled out and returned to FSEVA every 2 years.
- 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

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 the 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 separate monthly report recording your inventory of federal product AND the number of households and people who received foods through this program.
 - 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 1st of the month, but there is a grace period until the 7th of the month.
- Link2Feed or Service Insights users:

- A monthly report recording your inventory of federal product AND the number of households and people who received foods through this program.
- 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 1st of the month, but there is a grace period until the 7th of the month.

Record Retention:

- Keep the following for the current and previous fiscal year:
 - Agreements
 - Copies of Power of Attorneys
 - Extermination services
 - Food loss and how it was handled
 - Invoices
 - Proxy Notes
 - Reports
 - SDIs
 - Temperature Charts
 - Training Records
- Every 2 years, please turn in your SDIs to the Federal Programs staff at FSEVA.

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 SDIs provided by FSEVA.
- Acquire and fill out on SDIs:
 - Name, address, phone number, number of individuals who fall into each of the age categories, and the total number of individuals in the household.
 - For homeless individuals, please put the address or intersection where they stay the most frequently.
- Pantries will use categorical eligibility (participation in SNAP, TANF, SSI, or Medicaid) or income eligibility guidelines to determine if individuals or families 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.
 - If clients do not pre-authorize individuals, a proxy note must be brought for every instance that someone else picks up for the client if they are not listed on the Self-Declared Income form.
- Pantries will NOT ask for ID or any proof of income. Clients will declare either by doing intake verbally or in writing.
 - Exceptions for asking for ID: verifying Power of Attorney or proxy
- All Self-Declared Income forms must be completed in ink.
- Signatures are no longer required as of the manual distributed in Spring 2023.
- 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.

Distribution:

- A household may receive these foods at a maximum of once a week.
 - If product availability decreases, FSEVA will communicate with pantries and decrease the allowed frequency to serve federal foods.
- There is no set guidance from the government or FSEVA on how much you should distribute to families. Your pantry will determine your own distribution guide.
- These foods are not designed to meet the total food needs of a household but rather to supplement.
- 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 TEFAP 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

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