



The Emergency Food Assistance Program

Provider Manual

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TABLE OF CONTENTS

ACRONYMS	3
PROGRAM CONTACTS	3
RESOURCES	3
INTRODUCTION	4
SHAREPOINT	4
OVERVIEW	4
ACCESS	4
<i>SharePoint Files: Subject to change</i>	5
ADMINISTRATION	5
CONTRACTS	5
STAFF CHANGES.....	5
COORDINATING AND COLLABORATING FOOD BANKS	6
RECEIPTING PRODUCT	6
COORDINATING AND COLLABORATING FOOD BANKS STORAGE AND DISTRIBUTION GUIDELINES.....	7
AGENCY PARTNERSHIPS:.....	7
AGENCY AGREEMENTS	8
AGENCY REVIEWS.....	8
HHS REVIEWS	9
FOOD BANK REVIEWS	9
FOOD ORDERING	10
ENTITLEMENT ORDERS	10
BONUS ORDERS	11
SPECIAL ORDERS	11
TEFAP ADMINISTRATIVE PAYMENTS	11
GENERAL	11
USDA REPORTING FORM	11
DATA COLLECTION.....	12
FOOD DISTRIBUTION	12
GENERAL INFORMATION	12
<i>Current year allocations:</i>	12
FOOD DISTRIBUTION HIERARCHY	13
FOOD DISTRIBUTION GUIDELINES	13
COSTS.....	13
LIMITATION ON UNRELATED ACTIVITIES.....	13
FOOD STORAGE	14
BEST IF USED BY/BEST IF USED BEFORE (BIUB) DATE	14
FOODS FOR HOUSEHOLD CONSUMPTION	15
PERSONS UNABLE TO VISIT A PANTRY	16
PREPARED MEALS	16
<i>Agencies who provide both prepared meals and foods for home consumption:</i>	17
CIVIL RIGHTS	18
OVERVIEW	18
TRAINING	18
PARTICIPANT NOTIFICATION	18
COMPLIANCE IN PRACTICE.....	20
EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS	20
WRITTEN NOTIFICATION.....	20
REFERRAL FORM	20
OUTREACH/MARKETING	20

ACRONYMS

BIUB	Best if Used By
BOL	Bill of Lading
CACFP	Child and Adult Food Program
CFR	Code of Federal Regulations
CFY	Calendar Fiscal Year (Jan-Dec)
EFO	Emergency Feeding Organization
FFY	Federal Fiscal Year (Oct-Sept)
HHS	Department of Health and Human Services (the Department)
FNS	Food and Nutrition Services
IDIQ	Indefinite Delivery/Indefinite Quantity
IRS	Internal Revenue Service
NDS	Nondiscrimination Statement
SNAP	Supplemental Nutrition Assistance Program
SFY	State Fiscal Year (July – June)
TEFAP	The Emergency Food Assistance Program
USDA	United States Department of Agriculture
WBSCM	Web-Based Supply Chain Management

PROGRAM CONTACTS

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RESOURCES

SharePoint	https://secureapp.dhs.state.ia.us/dhs_titan_public/Docware/User/Login
7 CFR 250	https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-B/part-250
7 CRF 251	https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-B/part-251
FD-107	https://www.fns.usda.gov/usda-foods/storage-and-inventory-management-usda-donated-foods
FD-138	https://www.fns.usda.gov/usda-foods/written-notice-and-referral-requirements-beneficiaries-receiving-tefap-and-csfp-benefits-religious
NDS	https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs
FNS TEFAP	https://www.fns.usda.gov/tefap/emergency-food-assistance-program

INTRODUCTION

TEFAP is a federal program that helps supplement the diets of low-income recipients by providing them with emergency food and nutrition assistance at no cost. To distribute TEFAP foods to eligible participants, HHS contracts with the six food banks that serve the state of Iowa. The food banks then contract with eligible agencies such as, pantries, soup kitchens and shelters to distribute foods. The eligible agencies are referred to as sub-recipient agencies throughout this manual.

In the event of a Presidentially declared disaster or emergency and situation of distress, the eligibility guidelines for participants throughout this manual may be amended at the discretion of the Department.

Food banks and sub-recipient agencies are not required to participate in TEFAP. By choosing to participate, food banks and sub-recipient agencies agree to operate their program in compliance with the rules established by the USDA and the Department.

This handbook provides the standard set of procedures and guidelines to deliver services under TEFAP based in part on federal regulations found in Code of Federal Regulations, Title 7, parts 250 and 251. Additional resources including FNS policy guidance are available, <https://www.fns.usda.gov/tefap/emergency-food-assistance-program>

Thank you for your partnership and commitment to serving participants. If you have questions regarding the information in this handbook, do not hesitate to contact the program manager.

SHAREPOINT

Overview

The TEFAP SharePoint is an online Portal that houses all the forms and trainings referenced in the handbook along with financial information, order forms, etc. The TEFAP SharePoint provides information necessary to deliver USDA foods through TEFAP.

Access

Only food banks and HHS staff will have access to SharePoint. Food banks are responsible to always provide sub-recipients with the most current information and forms. Someone from your food bank should check the SharePoint on a regular basis.

To request access, send an email to the program manager including the name, title and email of the person requesting SharePoint access. Access is usually granted within 72 hours of the request.

The food bank is responsible to ensure only current employees have access to the SharePoint and must notify the program manager with any access removals. Food bank staff may not have another staff log in under their credentials. Contact the program manager to have your password reset.

SharePoint Files: Subject to change

Allocations: Commodity allocation document

Civil Rights Information: Annual Civil Rights Training & Information on Religious Organizations

Food Ordering Information: Bonus, Entitlement, IDIQ orders, Allocations, Catalogs and Order Status Reports.

Misc.: TEFAP Provider Handbook, TEFAP application (eligibility form), & TEAP Agency list

Monthly Billings: All billings/reports should be uploaded in this folder in the correct food bank folder.

ADMINISTRATION

Contracts

The Department contracts with the following six food banks that provide service to all 99 counties in Iowa.

FOOD BANK	Location
Food Bank for the Heartland	Omaha, NE
Food Bank of Iowa	Des Moines, IA
Food Bank of Siouxland	Sioux City, IA
HACAP Food Reservoir	Hiawatha, IA
Northeast Iowa Food Bank	Waterloo, IA
River Bend Food Bank	Davenport, IA

The following items must be provided to TEFAP program manager annually by September 1st:

- Blank copy of the current agreement between the food bank and sub-recipient agencies.
 - Regardless if changes have occurred.
 - If changes are in process at the time of submission, resubmit the updated agreement when completed.
- Civil Rights training verification for all food bank staff.
- Insurance verification (see contract requirements).
- List of partner agencies.
 - Use form provided by the Department, found on the SharePoint
- Documentation of IRS tax-exempt status for sub-recipient agencies has been verified.
 - There is a field on the above-mentioned document for this information.
- Annual audit if the food bank receives \$500,000 or more in federal funds for all programs.

Note: Reimbursements will not be issued until all required items are provided, starting with September.

Staff Changes

The program manager must be notified within 5 days of the following staffing changes:

- Executive Director
- Operations Manager /person(s) responsible for ordering/inventory
- Agency Relations /person(s) responsible for sub-recipient eligibility
- Financial Management/person(s) responsible for monthly billing form

Program manager is available to provide TEFAP training for any staff in one of the above listed position/roles.

Coordinating and Collaborating Food Banks

The Food Bank of Iowa (FBOI) and the Northeast Iowa Food Bank (NEIFB) are the primary coordinating food banks for TEFAP. These two food banks are responsible for the ordering, receipting and temporary storage of USDA commodities.

Des Moines Region	Waterloo Region
FBOI & is the coordinating agency for:	NEIFB & is the coordinating agency for:
Food Bank for the Heartland	HACAP Food Reservoir
Food Bank of Siouxland	River Bend Food Bank

Orders must be based on the needs of all food banks' ability to distribute without waste. Communication must occur at least annually between coordinating and collaborating food banks to determine the amounts and types of foods each food bank can reasonably distribute.

Entitlement orders are placed by region in most circumstances. For most entitlement orders, product is directly delivered in the following manner:

- Des Moines Region:
 - FBOI
 - Heartland (includes Siouxland's allocation)
- Waterloo Region:
 - NEIFB
 - HACAP
 - River Bend

When items are direct delivered only to FBOI and NEIFB, the delivery includes the allocation for all food banks in their respective region.

For the Des Moines region, orders will be delivered directly to FBOI and Heartland. For the Waterloo region, whenever possible, orders will be delivered directly to NEIFB, HACAP and River Bend.

Any food bank that receives a direct delivery is responsible for the receipting and, when applicable, temporary storage of USDA products.

Receipting Product

Bills of Lading (BOL) must be used to enter a receipt in WBSCM (USDA ordering system), within 48 hours of product receipt (not business hours). This is a federal requirement. Do not delay in receipting the BOL.

WBSCM generates reports when BOL are not entered the same day as product is received. Program Manager will send out notification to food banks if receipt is not completed after 24 hours.

Coordinating and Collaborating Food Banks Storage and Distribution Guidelines

1. In most situations, arrangements must be made to transport product within three weeks of receipt.

When extenuating circumstances (need for a full-truck load, etc.) dictate, the program manager must be notified to approve additional time.

2. A food bank may not charge another food bank for storage unless product is not retrieved as arranged.

Any storage costs must be approved by the program manager.

3. Food banks that receive product outside of vendor direct delivery, should review the “Value of Foods Received” document on the SharePoint by the 20th of the month to ensure all product has been received. If product has not been received, contact the responsible food bank and the program manager.

Agency Partnerships:

Each food bank contracts with sub-recipient agencies to distribute USDA foods to eligible households. To be an eligible agency for the distribution of commodities, the agency must meet the following criteria:

1. Is either:
 - a. Public, or
 - b. Private, possessing tax exempt status
2. Is not a penal institution
3. Provides food assistance:
 - a. Exclusively to needy persons for household consumption. This is determined by the use of the TEFAP eligibility form.
 - b. To predominantly needy persons when serving prepared meals.
4. Has entered into a signed agreement with the food bank.
5. Falls into one of the following categories:
 - a. Emergency Feeding Organization (includes soup kitchens, food banks and food pantries);
 - b. Charitable institutions (including hospitals and retirement homes);
 - c. Summer camps for children or child nutrition programs providing food service;
 - d. Nutrition projects operating under the Older Americans Act of 1965, including projects that operate congregate nutrition sites and projects that provide home-delivered meals, and
 - e. Disaster relief programs.

Food banks are responsible to ensure their sub-recipient agencies:

1. Meet the above criteria for an eligible agency.
2. Have a signed agreement with the food bank.
3. Complete civil rights trainings annually.
4. Retain their tax-exempt status (this must be reviewed at least annually).
5. Understand the eligibility and distribution criteria for TEFAP.
6. Understand the difference between USDA and other foods.
7. Retain TEFAP documents for at least three years.

To ensure sub-recipient agencies are successful in distribution of USDA, food banks need to provide training with sub-recipient agency when there is a change in key personnel.

- When a sub-recipient has turnover in key personnel, the food bank will be required to meet with sub-recipient interim personnel face-to-face (in person or virtual) to go over federal program requirements within 5 days of a change in sub-recipient leadership.
- When a sub-recipient onboards personnel for the key position, the food bank will be required to meet with the sub-recipient new personnel face-to-face (in person or virtual) to go over federal program requirements within 30 days from the time the Food Bank is notified the person in this position has started.
- The Department recommends the food bank takes this time to go over key food bank information.
- Sub-recipients who refuse to meet with food bank staff should not have access to USDA product or other product purchased through funding made available through your contract with the Department, until after this training has taken place.
- The training should highlight:
 - Eligibility and distribution criteria for TEFAP
 - Civil Rights Training.
 - Understand the difference between USDA and other foods.
 - Include any guidelines for other products made available through the Department.

Agency Agreements

The food banks written agreement with their subrecipient agencies must be updated as necessary and contain the following information:

1. Name and address of partner agency.
2. Donated commodities may not be sold, exchanges or otherwise disposed of. The agency is responsible for any improper distribution, use or damage caused by their fault or negligence.
3. The agreement may be terminated for cause by either party upon 30 days' notice.
4. The agency agrees to operate the program in accordance with the requirements of 7 CFR part 251 and, as applicable 250.
5. Food Safety guidelines, including:
 - a. USDA foods may not be distributed beyond their BIUB date.
 - b. Food Storage requirements and temperatures.
 - c. USDA Foods may not be re-packaged
6. Compliance with civil rights.

Agency Reviews

Both the Department and food banks are required to complete agency reviews.

All reviews must be documented. When a corrective action is necessary, a response should be in writing and contain the following information:

- Date correction was made
- Action completed to address the deficiency

- When applicable, how the issue will keep from occurring again

All corrective actions must be completed within 60 days of being notified of the deficiencies, unless alternative arrangements are approved by the program manager.

HHS Reviews

HHS is required to annually review, at least, 25% of all eligible recipient agencies that signed an agreement with the Department. Each agency must be reviewed at least once every four years.

The Department is also required to annually review one-tenth or 20, whichever is fewer, of all eligible recipient agencies that receive TEFAP foods and/or administrative funds that have an agreement. These reviews will be conducted whenever possible when the agency is distributing foods and/or meals.

- At least half of these reviews will be based on the following risk-assessments:
 - Value of foods received
 - History of complaints/program violations
 - Length of time in TEFAP operation
 - Length of time since last review
 - Key staff turnover
 - Preventable food loss
- The other half of the annual reviews will be based on a random sampling, whenever possible.

Food banks will receive one report for all sub-distributing agencies reviewed by the Department in the FFY, unless other arrangements are made. The food bank is responsible to provide written documentation to the Department detailing the corrective action steps that have been completed for any agency finding.

Food bank staff responsible for agency relations are strongly encouraged to attend Department reviews of their sub-distributing agencies whenever feasible.

Food Bank Reviews

Food banks are required to annually monitor 50% of their agencies that distribute TEFAP. At minimum, reviews should include the following:

- Eligibility
 - Use of the TEFAP form and self-attestation of eligibility factors, or
 - Agency is serving a predominantly needy population
- Food ordering procedures (able to distribute what is ordered)
- Storage and warehousing practices
- Inventory controls (first in, first out concept utilized. No “expired” USDA foods)
- Hours of operation posted
- Recordkeeping (TEFAP documents are available for past three years)
- Civil Rights (poster, verification of training, written notice and referral requirements for religious organizations, etc.)

Contact the program manager if you need assistance with review requirements.

Agency reviews must be documents and available upon request and must include the bulleted items above.

Agencies must correct any deficiencies.

Food banks must notify the program manager when:

1. A Sub-recipient is suspended from receiving foods for violation of TEFAP guideline. Program manager must be notified immediately (same business day).
2. Food bank has suspended or ended a relationship with a sub-recipient who distributed TEFAP.
3. An agency applies for partnership to distribute USDA Product and their application is denied. Please provide reasons why applicant was denied partnership.

Food Ordering

Food product should be ordered in quantities food banks and their sub-recipients are able to distribute without waste and to meet the USDA goal that product is consumed within six months of original receipt. Food is to be provided to agencies no later than 30 days prior to the BIUB date. Food banks must contact the program manager if there are USDA foods in their warehouse within 60 days of the BIUB date.

There are primarily two types of foods available for order through TEFAP, entitlement and bonus. Entitlement foods are purchased with the food dollars appropriated to the state. Bonus foods are available periodically at no cost. Additional food opportunities may be made available to food banks throughout the year.

All foods must be inventoried separately to ensure the correct accounting of any available administrative funds.

Entitlement Orders

Each year HHS receives an allotment of food dollars. This amount is placed on the SharePoint to purchase entitlement foods. A catalog of available foods and their estimated costs is uploaded to the SharePoint each quarter. Program Manager will notify regions when the entitlement order is due for each quarter. The catalog will be updated to reflect any changes for the order. Once each order is placed, an order status report is uploaded to the SharePoint. It is the responsibility of the coordinating food banks to ensure orders placed are within the entitlement allotment.

The actual price of the product is not known until the products are purchased. Once the products are purchased, HHS will adjust the SharePoint to reflect actual costs and update the amount of food dollars remaining to order. HHS will retain at least 5% of food purchasing funds available to account for price fluctuations. These funds may be released closer to the end of the fiscal year.

Funds used to purchase foods are provided on a federal fiscal year (Oct – Sept) to purchase

foods for calendar year delivery (Jan– Dec). IDIQ orders are placed in February for the following fiscal year (Oct-Sept). Current fiscal year funds are used for IDIQ orders that will be delivered in Oct- Dec. The following fiscal year funds will be used for foods delivered in Jan – Sept.

Bonus Orders

Bonus foods are available at no cost throughout the year. HHS receives notification that a particular bonus food is available and will send an email to the coordinating food banks. In the event all food banks serving Iowa determine we cannot utilize our fair share, coordinating food banks must notify HHS by the due date listed in the email. When this occurs, the product is reallocated to other states. While there is no penalty for refusing bonus items, it is helpful to FNS if we provide a reason for our refusal (product does not move, too much, etc.).

Bonus orders are handled the same as entitlement orders with the exception of the initial email and refusal option. For delivery, unless multiple trucks are available, orders for the DSM region are delivered to FBOI and for the Waterloo region, to the location chosen by NEIFB.

Special Orders

There are times when the food banks will have special funding available through TEFAP. These orders may need to be tracked separately in the food bank inventory/ordering system. These orders may have different guidelines and reporting requirements as outlined in the grant requirements.

TEFAP ADMINISTRATIVE PAYMENTS

General

TEFAP includes administrative funding that is paid to the food banks by the Department. The percentage allocation of administrative funds is the same as the food distribution allocation. Administrative funds are paid based on the federal fiscal year (Oct – Sept).

The annual amount of administrative payments is divided by 12 months and paid evenly each month of the fiscal year. In the event there are additional administrative funds remaining at the end of the federal fiscal year, these funds will be distributed annually after September.

Once a signed, correctly completed reimbursement form is received, HHS will issue payment within 60 days.

Administrative funds received through “regular” TEFAP must be allocated separately to ensure proper documentation and reporting. Billing requirements for additional funds will be communicated per funding guidelines.

USDA Reporting Form

Located on the SharePoint in the monthly billings folder is the USDA reimbursement form and detailed instructions for completion.

This form is to be completed monthly and submitted to HHS through the SharePoint 15 days after the end of the quarter. These forms should be uploaded to each food bank’s respective folder and not uploaded to the main SharePoint page.

Data Collection

State fiscal year (July – June) numbers served will be reported at least quarterly on the monthly billing form.

Agencies will report:

- Meals served
- Pantry visits: Individual and HH numbers will be reported

It is recognized counting meals and pantry visits may result in duplicative numbers of individuals served, however this is the best representation at this time of TEFAP utilization and access.

Note: Only those agencies receiving TEFAP should be reported on.

FOOD DISTRIBUTION

General Information

Food is distributed to each food bank based on counties and population served. The quantities and types of food delivered are limited to the prorated share of the state’s total allocation.

Exception: Bonus foods can be distributed at alternative rates based on agreement with all food banks.

Allocations adjustments are made in January for the upcoming CFY using poverty data (provided by the census bureau) and unemployment data (provided by Iowa Workforce development).

Current year allocations:

Updated annually by December 15th

For calendar year 2023, the Des Moines region receives 60.20% of TEFAP commodities. The Waterloo region receives 39.80%.

The current distribution formula is:

Des Moines Region	Percentage	Waterloo Region	Percentage
Food Bank of Iowa	48.54	Northeast Iowa Food Bank	11.74
Food Bank for the Heartland	5.22	HACAP Food Reservoir	14.87
Food Bank of Siouxland	6.44	River Bend Food Bank	13.19
Total	60.20%	Total	39.80%

Foods should be distributed by both the food bank and sub-recipient agencies to ensure participants have time to consume the food prior to the BIUB date.

All USDA foods should be distributed within six months of receipt. In the event product is still available beyond eight months, the program manager should be notified.

To ensure we are distributing foods within regulation, it may be necessary to push a specific product to an agency and/or participant along with their choice items.

Food Distribution Hierarchy

When there are not enough commodities to meet agency requests, commodities must be made available using the following hierarchy:

- First priority ~ Emergency feeding organizations (EFO) food pantries, meal sites, etc.
- Second priority ~ Agencies which serve needy people, but do not relieve situations of emergency and distress

First priority agencies should not have a limit on the amount received solely to ensure second priority agencies have an opportunity for TEFAP foods.

Food Distribution Guidelines

The following guidelines apply to all food banks and sub-recipient agencies.

Costs

Food banks may charge a shared maintenance fee to their partner agencies for costs associated with the receipt and distribution of USDA commodities. This fee may not be in excess of four cents per gross pound for entitlement commodities or fourteen cents per gross pound for bonus commodities. The amount of reimbursement received must be included on the reimbursement form submitted monthly for payment.

Food banks may charge a reasonable delivery fee to sub-recipient agencies for the delivery of foods. The amount must be listed in the agency agreements.

Sub-recipient agencies may not charge a fee to participants for the receipt of foods.

Solicitation of voluntary contributions during the distribution of TEFAP is prohibited. This includes the use (or presence) of a donation jar during distribution. This does include congregate meal sites offered through the Older Americans Act.

Limitation on Unrelated Activities

Regulations at 7CFR 250.10(f)(1) prohibit participation in an activity to receive TEFAP foods. Examples of situations that would be prohibited through this regulation:

- School pantries: School (including K-12 and secondary education) pantries that limit services to students/families of the school. The pantry must be open to community participants, unless there is a legitimate public safety reason to have the pantry closed, and, there are other sites in the surrounding area that distribute TEFAP to all community members. The HHS Program Manager must approve any pantry that requests to be closed from the public.
- Receiving additional food when a participant brings their own box/bag for distribution.

Agencies may implement this policy, but TEFAP could not be one of the additional food products.

Food Storage

Food banks must store USDA foods separately from other foods and clearly mark them as USDA.

Temperature requirements:

- Refrigerator foods must be stored between 35-40 degrees. Temperatures should never be outside of this range.
- Frozen foods must be stored at zero to negative 10 degrees
- Dry storage optimal temperatures are 50-70 degrees. Temperatures may never fall below 32 degrees and rarely exceed 70 degrees to preserve food quality.

All freezers, refrigerators and warehouse space must have a thermometer at all times. Sharing a thermometer between two appliances is not allowed.

A temperature log should be maintained. Food banks and/or sub-recipient agencies can be held liable for food loss due to neglect.

The “first -expired, first out” concept must be utilized to ensure foods are consumed prior to the manufacturer use-by dates. Food banks must notify the program manager if any foods are in their warehouse within 60 days of the BIUB date.

Inventory of USDA foods should not exceed six months.

Non-food items must be stored separately from food.

Food must be at least four inches away from walls, six inches off the floor and two feet from the ceiling. Storage areas should be kept clean.

A pest control system must be in place. Verification of pest control services may be required if there is evidence of pests.

Best If Used By/Best If Used Before (BIUB) Date

Distributing and recipient agencies must manage their inventories to ensure that recipients have an opportunity to consume donated foods before product end dates have passed. While it is recognized foods may be in good condition beyond the BIUB date, Food Distribution policy memo 107 (revised) (FD-107 <https://www.fns.usda.gov/usda-foods/storage-and-inventory-management-usda-donated-foods>) states in part, In order to ensure optimum quality, donated foods that have passed such dates should not be distributed to program recipients.

Failure to distribute foods by the BIUB date is considered a TEFAP food loss. All USDA food losses should be reported to the Department.

Code of Federal Regulations, Title 7, section 250.16 details regulations specific to claims and

restitution for donated products. Regulations require the distributing agency ensure restitution is made for loss of donated foods from responsible parties as well as ensure a corrective action plan is implemented to prevent future loss.

The “distributing agency” may be the Iowa Department of Health and Human Services seeking restitution from a food bank, or a food bank seeking restitution from a partner agency.

Note: We all have a common goal to provide quality foods to eligible participants. To meet this goal, we must ensure product is distributed timely. Food loss occurring more than once every three years may result in specific technical assistance to continue as a distributing agency.

Foods for Household Consumption

Examples of agencies that would be considered to provide foods for household consumption would be food pantries, transitional housing or shelter programs that offer TEFAP foods for residents to prepare their own meals. This includes housing programs who offer food only to residents of their facility to prepare themselves.

When space and time constraints allow, the Department strongly encourages choice pantries for participants instead of pre-packaged distribution.

The Department does not determine the amount of food sub-recipients distribute to participants.

For a household to be eligible, they must be:

- A resident of Iowa*, **and**
- At or below 185% of poverty, **or**
- A SNAP or free/reduced lunch recipient

* **Residency note:** A household does not need a fixed address to meet residency requirements. For Households who are homeless, it is sufficient for the participant to indicate they live in Iowa.

Income note: Income limits are updated annually on July 1. Agencies should have participants sign the updated eligibility form at the first visit after July 1.

TEFAP eligibility is self-attested. By signing form 470-5313, TEFAP Eligibility, participants are applying for and attesting to eligibility. They are eligible to receive USDA foods. Note form 470-5313 is an official DHS form and may not be modified. Both sides of the form must be available to the participant when signed annually as both sides contain required information.

To receive TEFAP foods, households must sign form 470-5313 annually. For subsequent visits to the pantry, the household or agency must document the household received TEFAP foods. How the sub-recipient agency decides to document subsequent visits by the household is not defined. The agency may choose the method that works best for them. Some examples include:

- Signing the back of their TEFAP form
- Index cards where pantry visits are documented
- Sign in sheets for each date the pantry is accessed
- Electronic documentation of each time the pantry is accessed.
 - Program Manager must give approval for any sub-recipient who wants to use the TEFAP eligibility form in a digital manner.
 - Program manager will provide this answer in writing and the reasoning if applicable. Food bank needs to keep this notice in the sub-recipient file.

Households may not be asked, nor required to sign the first page of the eligibility form more than once per year. Note: This requirement is for each individual pantry. A household who utilizes more than one pantry will be required to sign the eligibility form annually at each pantry, unless approved by the Program Manager.

Pantries may not require additional information for participants to receive TEFAP foods. For example: If a pantry requires ID verification to utilize all pantry food, households who choose not (or who are unable) to provide ID must still be provided TEFAP foods at the same rate as participants who provide an ID. Agencies may require verification prior to making other products available to participants. However, it must be clear to the participant they can receive USDA foods without providing additional information. For this reason, it is critical agencies understand which products are USDA to ensure these regulations are followed.

Pantry operating days and hours must be clearly displayed.

Persons Unable to Visit a Pantry

Persons who are unable to visit the pantry (homebound, disabled, etc.) must be served by proxy when arrangements have been made. Eligibility for participants who are unable to visit the pantry must be determined the same as all other households.

- By proxy means the person who is unable to visit the pantry provides written documentation that another person is able to receive their foods for them.
- The agency must have a TEFAP form signed by the person unable to visit the pantry attesting to eligibility factors.
 - The agency must make it clear that the TEFAP eligibility form is to be returned to their pantry location. The agency could do this by stapling a note to the TEFAP eligibility form with a note that says, please return this document to:
Agency name & Address

Delivery can be an option for those agencies that are able to do so, but is not required.

Prepared Meals

Sites which serve prepared meals must be able to demonstrate to the food bank and Department's satisfaction that they serve a predominantly needy population.

- Predominantly needy is defined as 51% of the participants served.
- Needy is defined as the receipt of food assistance or income at or below 185% of poverty.

Participants may not be asked to provide income information solely for the purpose of this demonstration; this includes having participants sign the TEFAP form.

The Department does not define how an agency demonstrates predominantly needy. Some examples include:

- A group home has participant income information/verification for the purposes of program eligibility, example: SSI
- A childcare facility receives CACFP.
- The socioeconomic data of the area where the organization is located, or from which it draws its participants.

In the examples above, the sub-recipient agency would have records available for another purpose that would also demonstrate they serve a predominantly needy population. Note: “Group home” is a broad term that defines many types of facilities agencies may operate. Not all group homes will meet the eligibility criteria listed under agency partnerships.

Demonstration by an agency of how they serve predominantly needy participants is required at initial partner agency application and all subsequent reviews. This must be documented on agency initial applications and reviews.

For sub-recipient agencies whose population fluctuates and some months they serve predominantly needy and other months they do not, the Department considers the numbers on an annual basis. Therefore, as long as the agency is serving predominantly needy seven months of the year, they would be considered meeting requirements.

At least one member of the agency must be food safe certified. The food safety training required by Feeding America would meet this criteria.

Meal site operating days and hours must be clearly displayed.

Agencies who provide both prepared meals and foods for home consumption:

Shelter or other group housing arrangement eligibility: Regulations at 7CFR 250.2 states a household can include “an individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from the others”. Shelter or group living arrangements may only provide TEFAP foods to residents if they are responsible for the majority or their own meals.

Example: A long-term shelter provides breakfast for all residents. The residents are expected to prepare their own lunch and dinner. The participant would be eligible for TEFAP foods for home consumption.

Agencies that provide both prepared meals and foods for home consumption must follow regulations and procedures for both distributions. The agency must be able to document when

a resident obtains foods to prepare themselves as well as reasonable demonstrate they serve a predominantly needy population.

CIVIL RIGHTS

Overview

The Civil Rights Act of 1964 prohibits discrimination based on race, color, national origin, sex, age and/or disability in federally funded programs. TEFAP is funded by the federal government and must comply with all civil rights and non-discrimination laws. Immediately notify the program manager if the food bank (or a sub-recipient agency) receives a verbal or written civil rights complaint.

Training

Civil Rights training is required annually for people involved in all levels of the administration of TEFAP. This includes volunteers who interact with applicants or handle personal applicant information. For volunteers who have limited interaction with participants and no access to personal information, they may receive a condensed training that must include customer service. The HHS program manager must approve (on an annual basis) any civil rights training utilized unless provided by HHS.

The Department provided civil rights training is available on the SharePoint. Verification of annual civil rights training completion by all food bank staff is due to the program manager by Sept 1st each year.

Food banks are responsible to ensure all agencies who distribute USDA foods are trained in civil rights at orientation and annually thereafter. Verification of this training must be kept in agency files and available for review by HHS or FNS upon request.

Note: Volunteers who do not interact in any way with program applicants, participants and who do not handle personal information do not need civil rights training.

Participant Notification

The “And Justice For All” poster (form number: AD-475-A) must be prominently displayed in all eligible recipient agencies. The current version of the poster is green with a revision date of September 2019. The And Justice For All Poster was updated in May 2022, and will be send to food banks as soon as they are made available to the Department.

Notify the program manager if you need additional posters. Printed copies should not be made, and no previous versions should be posted.

It is not required that an agency have multiple posters displayed in one facility. As long as the poster is prominently displayed (in an area where participants can view it), this requirement is being met.

All printed materials used to market the program must have the following USDA non-discrimination statement included:

“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, audiotope, 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

This institution is an equal opportunity provider.

If the material is too small to permit the full statement to be included, the following statement may be used instead, “This institution is an equal opportunity provider.” Please note use of the full nondiscrimination statement is preferred. Significant effort should be given to ensure the full statement cannot be included without leaving pertinent program information off.

Websites, including social media, must have either the full nondiscrimination statement or a link <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs> to the full statement on the site. While the statement or link does not need to be on each page of the site, it must be included on the home page of program information.

Compliance in Practice

- Conduct outreach to under-represented communities by ensuring participants are aware of services available
- Accommodate persons with disabilities
- Reduce language barriers for people with limited English proficiency (LEP)

Equal Opportunity for Religious Organizations

Food Distribution Policy Memorandum 138 (FD-138) clarifies requirements the Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP benefits from Religious Organizations. FD-138 (in its entirety) is located on the SharePoint and the FNS website: <https://www.fns.usda.gov/usda-foods/written-notice-and-referral-requirements-beneficiaries-receiving-tefap-and-csfp-benefits-religious>

Written Notification

Faith-based or religious organizations that receive USDA Foods or administrative funds for TEFAP must give written notice to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider. If the beneficiary is receiving what may be a one-time service from the provider (meal site or pantry foods for home consumption), the notice may be posted in a prominent place instead of being provided to each beneficiary individually. See the SharePoint for the example written notice. This example must be used by agencies unless written permission has been provided by the DHS program manager.

Referral Form

If a beneficiary or prospective beneficiary of TEFAP objects to the religious character of the organization, the organization must promptly undertake reasonable efforts to identify and refer the beneficiary to an alternate provider. The sample referral form is provided on the SharePoint. As with the written notice, the referral form on the SharePoint must be used unless written permission has been provided by the DHS program manager.

Outreach/Marketing

TEFAP encourages notices in local media, posters, pamphlets and websites to ensure potential participants are aware of the program, services provided, and hours of operations. Agencies are responsible for marketing and outreach. Reminder: The nondiscrimination statement must be included on all marketing material. On websites, a link to the nondiscrimination statement is acceptable. This is applicable to both food bank and sub-contracting agencies.

Individuals are encouraged to apply for SNAP if they appear eligible. Providers are encouraged to refer participants to the DHS ELIAS Self Service Portal to submit online applications.

<https://dhsservices.iowa.gov/apspssp/ssp.portal>

If the participant does not have access to the internet, they should be referred to the DHS Food Assistance Hotline at 1-855-944-3663. DHS cannot expedite SNAP applications for participants other than those who meet specific criteria. Providers should be aware that SNAP applications may take up to 30 days before a determination of eligibility is made.