Minnesota Department of Human Services Office of Economic Opportunity The Emergency Food Assistance Program



Policy and Operations Manual for TEFAP Food Banks

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THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Policy and Operations Manual for Food Banks

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SECTION 1: TEFAP HISTORY

The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of low-income residents by providing them with emergency food and nutrition assistance at no cost. Through TEFAP, the United States Department of Agriculture (USDA) purchases foods and makes them available to providers for distribution.

TEFAP was originally created as the Temporary Emergency Food Assistance Program, the result of hunger advocates lobbying the federal government for use of surplus commodities purchased by USDA for price supports. In 1981, President Ronald Reagan signed an executive order providing States with a one-time distribution of surplus cheese. This action succeeded with a win-win situation. It reduced storage costs for the government and provided food for those in need. Distributions continued for several years and grew to include a variety of foods. Since TEFAP was primarily an agricultural program, some foods were packaged in bulk commercial sizes not necessarily intended for individual or family consumption.

There was a significant change to TEFAP in the late 1980's. A new agriculture bill cut the price support program, which supplied the source of commodity foods. However, TEFAP was seen as a benefit to farmers as well as an anti-poverty program. Instead of eliminating the program, Congress modified it through the 1988 Hunger Prevention Act. The act directed USDA to purchase foods for TEFAP.

In 1990, TEFAP became a permanent federal program and the "T" in the program name was changed from "Temporary" to "The". TEFAP continues to be favorably regarded for the support it provides farmers and producers, as well as for the nutritious food supply it provides to low-income families. The Farm bill authorizes TEFAP for all States. The Food and Nutrition Services (FNS) of the USDA administers the program. USDA uses a formula based on number of households below the poverty level and number of unemployed persons in each State (weighted 60% and 40% respectively) to allocate States' TEFAP administration funds, Entitlement funds, and Bonus commodities.

In Minnesota, USDA commodity food was initially delivered in semi-trailers to sites around the State where volunteers unloaded and distributed the food to those who qualified under income guidelines. The Office of Economic Opportunity at the Department of Human Services (DHS OEO) administered deliveries throughout Minnesota by contracting with Community Action Agencies and other non-profits. There were approximately 700 drop-off sites using 7000 volunteers. Deliveries took place every few months, an interval which resulted in food often sitting in warehouses for several months.

Currently, Minnesota's TEFAP is administered by the Office of Economic Opportunity at the Department of Human Services (DHS OEO). DHS OEO awards Minnesota's TEFAP Inventory Management contract through a competitive Request for Proposals (RFP) process. The TEFAP Inventory Management contract requires the coordination of an efficient statewide distribution of TEFAP foods. DHS OEO will hold direct TEFAP contracts with Minnesota's seven regional food banks to coordinate storage, transportation, and distribution of TEFAP products.

Minnesota food banks (and 1 in North Dakota) distribute TEFAP foods to approximately 400 TEFAP providers (Tribal Nations, food shelves, and on-site meal programs) in the regions they serve. MN TEFAP uses a formula based on number of households below the poverty level and number of unemployed persons in each designated food bank service area (weighted 60% and 40% respectively) to allocate TEFAP administration funds and commodity foods to contracted food banks. TEFAP administrative funds, distributed by DHS OEO, are used to reimburse food banks to cover food storage and distributing costs.

TEFAP providers distribute TEFAP foods to low income households that reside in Minnesota. Food banks are responsible for monitoring the TEFAP providers they serve for compliance and play a vital role in collecting usage statistics. TEFAP providers are required to have a signed TEFAP Site Distribution Agreement on file with their regional food bank. The agreement details TEFAP program, reporting, monitoring, food storage and handling, and commodity liability requirements.

All records regarding receipt and distribution of TEFAP must be retained for seven years in accordance with MN Statues, section 16C.05 subdivision 5. This requirement includes client data records. (FD-128, 7 CFR 250.01(f) (1) and (2))

The TEFAP Policy and Operations Manual is the handbook for participating food banks and TEFAP providers who serve the state of Minnesota. The content of this manual is the State's interpretation and implementation of the Federal TEFAP guidelines. These regulations and procedures are based on the Federal Regulations 7 CFR 250 and 7 CFR 251. www.fns.usda.gov/tefap/regulations

TEFAP providers are required to adhere to the regulations and follow procedures included in this manual.

TEFAP Food Supply

TEFAP provides an essential source of nutritious food for TEFAP providers. TEFAP food consists of a variety of canned and dried foods, fresh and frozen fruits and vegetables, meat and dairy products and other products.

TEFAP foods fall into one of two categories; purchased food called <u>Entitlement</u> and non-purchased offers called Bonus.

Entitlement foods are purchased by states through an on-line ordering system. In Minnesota, food is ordered based on feedback from TEFAP providers, food banks, and direct recipients of USDA products. The goal is to order food that TEFAP recipients want and need.

Bonus food is provided by USDA at no cost to the States to support struggling food products and industries. Bonus products are often more expensive fresh fruits and meat. TEFAP Bonuses offer a tremendous benefit by making additional products available. In the last few years, 30-40% of the TEFAP food brought into Minnesota has been Bonus. However, due to the unpredictable nature of the Bonus products, the amount of food received each year varies widely.

SECTION 2: ADMINISTRATIVE FUNDING

USDA provides administrative funding to states for the distribution of TEFAP commodities. A state agency can restrict the use of TEFAP administrative funds by eligible recipient agencies by disallowing one or more types of expenses (7 CFR 251 The Emergency Food Assistance Program)

Allowable Expenditures

In addition to general costs associated with storage, handling, and the distribution of TEFAP commodities, food banks are reimbursed based on the dollars made available by USDA and as justified by costs. As indicated in USDA regulation 7 CFR, Part 247.25, allowable costs may include:

- 1. Advertising-public outreach of distribution sites and schedules
- 2. Building Rental/Utilities-office of USDA food storage rental facilities; the cost of utilities, pest control, and janitorial services used specifically for TEFAP or as an indirect cost
- 3. Accounting-establishing and maintaining an accounting system and the cost of an independent audit
- 4. Equipment-equipment necessary to perform donated food distribution; materials and office supplies including but not limited to postage and printing
- 5. Insurance Expenses-insurance coverage for TEFAP foods
- 6. Compensation for Personnel-salaries and fringe benefits for employees directly involved with TEFAP
- 7. Transportation-freight, cartage, or delivery directly associated with the handling of donated food
- 8. Training and Education-TEFAP in-service training and meetings of agency staff and volunteers
- 9. Travel-program related travel for staff and volunteers

Administrative funding is awarded to Minnesota's regional food banks to pay costs associated with the distribution of TEFAP food. DHS OEO is responsible for allocating TEFAP administrative funds to each food bank. Administrative funding is distributed to food banks as funds become available from USDA. In the event that TEFAP deliveries are in excess of the administrative funding available, food banks are obligated to continue receiving and distributing the commodities. At the time of annual food bank monitoring by DHS OEO, food banks will be required to provide documentation of reimbursed expenses.

Financial Records

The food bank shall have an annual comprehensive independent certified audit and a single audit, if the food bank has expended \$500,000 as provided in OMB Circular A-133.

Each food bank shall maintain financial records that comply with generally accepted accounting principles. The food bank shall furnish DHS OEO with audit reports on its activities and its financial condition within nine months of the end of the food bank's fiscal year, and will furnish the accompanying management letter with any findings. DHS OEO will document receipt of the food bank's corrective action plan. Six months after the corrective action is set in place, DHS OEO will review the plan with the food bank to see if the corrective action has mitigated the finding.

DHS OEO must obligate all TEFAP funds from a grant year by September 30th annually, following the federal fiscal year.

SECTION 3: ORDERING COMMODITIES FROM USDA

DHS OEO is responsible for identifying and ordering TEFAP commodities for the state of Minnesota. The ordering is based on availability of products, feedback from food banks, food shelves, and direct recipients of USDA commodities and historical distribution data. DHS OEO places orders into the Web Based Supply Chain Management (WBSCM) system. TEFAP product order details are made available to food banks through a shared web based inventory management system.

With approval from DHS OEO and to the extent practical, commodities will be allocated to individual food banks based on an annually updated formula using population and poverty figures weighted at 60% poverty and 40% population for the specific service area. Data from this formula is taken from the most recent census. Allocation procedures maximize the equitable distribution of TEFAP commodities across the state.

Bonus commodities are offered sporadically and many require a quick order turnaround. When possible, the food banks are surveyed for acceptability of the commodity and willingness to take the allocation prior to ordering of products shipping.

Arranging for Shipment and Delivery

For shipments originating from a vendor (i.e. any shipment not originating form a National Multi-Food Warehouse), the vendor or carrier must arrange for a delivery appointment with the food bank at least 24 hours before the expected delivery. For split shipments, the vendor must arrange for a delivery appointment with each food bank.

If a vendor or carrier arrives without a delivery appointment or is late for an appointment, the food bank 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 food bank report the issue to the inventory contractor and MN DHS-OEO so that further reporting can be done.

(FNS 709-5 Rev 2)

USDA TEFAP commodity shipments may be scheduled to arrive up to two weeks before or after the requested delivery date. Late shipments are most often due to the manufacturers and vendors not being able to secure transport for the shipments. If shipments are late (and approaching the two week mark), DHS OEO will contact USDA to request more information.

USDA may delay or cancel deliveries due to a variety of reasons. These products may or may not be rescheduled for a later date.

SECTION 4: RECEIVING USDA FOODS

Upon arrival, all USDA shipments must be carefully checked and counted for damage or shortages/overages, and signed Bill of Ladings must be sent to MNTEFAP within 24 hours. The process below must be followed at all times. Failure to comply may result in a corrective action notice from DHS OEO.

When a TEFAP shipment is delivered, the food bank warehouse staff must:

- 1. Inspect the shipment
 - a. Make sure the Seal is intact This is the primary reason a food bank can refuse a delivery (only after notifying MNTEFAP)
 - b. Verify that the temperature is within acceptable range
- 2. Count the shipment, documenting quantities and noting damage, overages, and shortages on the Bill of Lading with a signature and date.
- 3. Email signed, dated, and legible Bills of Lading and any additional paperwork within <u>24 hours</u> to: MNTEFAP.DHS@state.mn.us

<u>Include on BOL:</u>

Date

Name of receiver

Quantity received

Seal condition

Any shortages, overages, damages

Temperature upon arrival (frozen and refrigerated loads)

- 4. For damaged or incorrect quantities at delivery
 - i) Complete a <u>Commodity Incident Report</u> and send to <u>MNTEFAP.DHS@state.mn.us</u> immediately upon awareness of the incident. Any out-of-condition foods need to be segregated.
 - ii) Out-of-condition products are those commodities which appear to have come from the packer contaminated, deteriorated, spoiled, infested, or having latent defects. (i.e. bulging cans or cans with sharp dents and rust on the seams)
 - iii) Take pictures and send with the Commodity Incident Report.
 - iv) USDA at times are able to work with the vendors to replace products.
 - v) If upon delivery, TEFAP products are so damaged that they cannot be distributed, and the receiving bank believes the products should not be accepted. The bank should contact MNTEFAP immediately. The team will in turn notify USDA.
 - vi) If the delivery is rejected, USDA will work with the vendor to coordinate a new shipment. The vendor will notify the food bank to schedule a new delivery date. For split deliveries the vendor will also contact all other delivery locations.
- 5. For tipped loads at the time of delivery
 - i. Make note on CIR. DHS-OEO can make a complaint with USDA.
 - ii. The food bank can request funds for re-stacking time if longer than 1 hour.
 - iii. Claim for funds are requested by DHS-OEO through USDA.

- 6. If a TEFAP provider has a complaint regarding TEFAP commodities the provider should contact their regional food bank who is required to share the information with MNTEFAP. If foreign matter, such as glass or metal is found in a product, this should be treated as an emergency.
 - i. Contact DHS OEO TEFAP at MNTEFAP.DHS@state.mn.us immediately.
 - ii. Have the TEFAP providers take pictures and send them to DHS-OEO.

Do not dispose of any out-of-condition commodities until advised to do so by DHS OEO. In some instances, USDA will require samples of the out-of-condition product. When conditions present a health hazard to food stored nearby (i.e. exploding cans, infestation of grain products, etc.) the out-of-condition product must be isolated. A <u>Commodity Incident Report is required to be submitted and approved before products can be disposed.</u>

7. DHS OEO will notify each food bank within 24 hours via phone or email, after receiving a FOOD SAFETY ALERT by USDA. You must respond by phone or email to DHS OEO to confirm that notification was relayed to your individual providers. To ensure an effective communication chain, each food bank must include a copy of their agency's Organizational Chart at the start of each fiscal year. (FNS 709-5 Rev)

SECTION 5: FOOD BANK FOOD STORAGE AND HANDLING

When physical delivery of USDA food product is accepted, the receiving food bank assumes responsibility for the safekeeping of product. The food bank assumes liability for the value of the food products should a loss occur due to negligence in storage, theft, and/or handling.

In order to guarantee its quality and safety, each food bank and its food providers are responsible for proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper storage conditions and practices. Every effort shall be made to reduce loss to spoilage, pest infestation and theft by following accepted warehousing methods. The action not only ensures the quality of products being distributed but also protects the food bank from claims action by the State of Minnesota or USDA to recover the value of the spoiled or lost product.

Food banks and TEFAP providers shall ensure all TEFAP food products are held in a secure, adequate and proper storage facility prior to distribution, in accordance with 7 CFR 250.14(b).

Food storage areas should provide protection from weather, fire, theft, and pests. Aisles between pallets should be wide enough to provide easy access for inspection, inventory, and pulling of product. All USDA commodities are to be stored at the contracted site. Contracted sites must follow appropriate warehouse and storage practices.

DHS OEO may require the food bank or provider to replace TEFAP commodities in-kind or to re-pay the value of the products as determined by USDA if this happens. All food losses must immediately be reported to DHS OEO.

A food loss is defined as any commodity food product not distributed to participants. All food losses over \$500 will be reviewed by DHS OEO for claim determination. Any food loss over \$500 is also sent to USDA for additional product tracking for the region.

Repacking TEFAP products is not allowed unless prior approval is given by DHS OEO.

Maintenance of Storage Area

Storage facilities must be clean, climate controlled, secure from theft, and have enough storage for USDA foods. Ensure there is a cleaning schedule established listing the necessary frequency of cleaning of each location.

Storage and handling practices include, but are not limited to:

- Food must be stored off the ground (at least 6 inches), away from the wall (at least 4 inches), with at least a 2 foot ceiling clearance.
- Keep dry food away from direct sunlight.
- Non-food items and toxic items (soap, bleach, cleaning supplies, etc.) must be stored separate from food.
- Maintain proper temperatures, inner and outer thermometers, and temperature logs.
 Dry commodities must be stored at 50-70° F
 - Refrigeration must be maintained at 34-40° F
 - Freezers must be maintained at 0° F or below
- All units must be clean and inspected on a regular basis.
- All commodities must be stored in areas that allow for proper air circulation.
- Keep floors, pallets, shelving, and storage areas clean. Broken pallets should be discarded and dirty pallets cleaned.
- Maintain an effective and ongoing pest control system. Have a qualified person on staff or contract with a licensed firm to handle pest control management. Rodent controls such as traps and glue boards are recommended. Place traps along walls and near doorways, moving the traps monthly. Poisons must not be used except by a licensed professional.
- The exterior should be inspected regularly for signs of fire hazards, pest infestation, security problems, and repair.
- Warehouses must be secured with reliable lock systems. Electronic alarm systems are preferred.

Maintenance of exterior should be inspected regularly for sign of fire hazards, pest infestation, security programs, and needed repairs. Garbage, waste, or rubbish must be disposed of frequently.

First In/First Out Rotation of Stock

To help guarantee the quality and freshness of TEFAP commodities, the practice of First In/First Out (FIFO) must be followed. Food must be stored so cases with the oldest pack dates are used first. Staff

must routinely check inventory to guarantee that TEFAP commodities are in proper shape for distribution.

Guidelines for Stacking Commodities

The basic rules for stacking commodities are:

- Limit the height of the stack so cases of food on the bottom layers will not be crushed. Cross-stacking cases on pallets will ensure the stack will be sturdy and solid and will not tip when moved.
- Shrink wrapping provides added stability.
- Stack cases away from potential damage by heat, steam, or water.

Storing TEFAP Commodities at Commercial Warehouses or at other Food Banks

In Minnesota, DHS OEO allows the option for food banks to hold TEFAP inventory at other commercial facilities or other food banks due to capacity issues. This can be attributed to TEFAP requirements for direct deliveries or due to timing of deliveries with other internal orders. These "holding" sites will be designated as secondary parties.

Each food bank is responsible to have an agreement with the secondary party who is storing their TEFAP inventory. The secondary party will be responsible for care of TEFAP inventory while at the facility on behalf of the food bank.

When inventory is being held at a secondary party's site, each food bank is responsible for tracking the inventory internally, while the secondary party is responsible for also tracking it in Hunger Partners until it has been received by the primary site. While the inventory is in transit, it is the responsibility of the site whose possession it is in to record in Hunger Partners.

Example:. If Food Bank B is delivering to Food Bank A, Food Bank B is responsible for that product. If Food Bank A is picking up from Food Bank B, Food Bank A is responsible for the product while in transit."

Claim Determination for Negligence or Loss of Product

When USDA commodities are no longer fit for human consumption because of spoilage, contamination, infestation, damage, not stored or managed in accordance with the provisions of a contract, stolen, willfully misapplied, or lost, the food banks are liable. The State must investigate any loss of donated foods, or any improper use or loss of funds, regardless of the value of the loss, in order to determine if a claim must be pursued against the party responsible for the loss. For each product identified, a Commodity Incident Report must be completed upon discovery of the loss and sent to MNTEFAP@hungersolutions.org. (FNS 410-1 rev 2)

If the value of the loss exceeds \$500 per product discovery, the State may pursue a claim with the food bank in question. When the loss of product occurs due to negligence or poor warehousing practices, the food bank is responsible to replace the product or repay the value of lost product to DHS OEO. Agency repayments are redistributed to other food banks according to their share percentage of the

State's total TEFAP allocation. Repeated loss of food that exceeds \$500 annually may result in further review of storage facilities by DHS- OEO

If the loss has occurred because of theft, embezzlement, willful misapplication, or fraud, the State must pursue further claim actions.

If any other TEFAP provider is responsible for a loss, the food bank must pursue further claim actions against that party.

While FNS Instruction 410-1 may be interpreted to require that funds be collected by the STATE and then either used by the STATE or disseminated to the appropriate recipient Agency or another entity, to purchase replacement food, the process involved is far less feasible than requiring the entity responsible for the loss to procure replacement food, supply proof of same, apply any required corrective action, and report in full on those efforts. Therefore, the STATE shall require the responsible entity, either food bank or provider to replace commodity losses when claim actions are required.

After completing the claim determination, the STATE shall—

- Provide written notification and demand for payment to the party responsible for the loss, including the following information:
 - o A description of the loss, including the types and quantities of the donated foods lost and the value of the loss.
 - o The date, location, and cause of the loss, if determined.
 - Evidence and documentation relating to the loss, including a certificate of inspection by health officials, as applicable.
 - o Evidence of theft, embezzlement, willful misapplication, or fraud, as applicable.
 - o A formal demand that the responsible party either (at the SAs discretion):
 - Make a payment to the STATE for the full value of the loss of donated foods, or improper use or loss of funds, by a date not to exceed 30 days from the date of the notification and demand for payment;

OR

- o Purchase replacement foods.
- Make a claim adjustment, based on additional evidence provided by the responsible party, or
 obtained from another source, subsequent to the notification and demand for payment, if it is
 deemed appropriate.
- If a claim adjustment is made, the STATE shall notify the responsible party of the adjustment, including any information that formed the basis for the action, and the amount for which the responsible party remains liable. A claim adjustment does not entitle the responsible party to any reimbursement for previous payments made on the claim.
- If payment, or a request for adjustment or other appeal of claim actions, or (if the STATE has directed) purchase of replacement foods has not been made after 30 days, send a second notification and demand for payment to the responsible party. The demand must require resolution by a date not to exceed 60 days from the date of the original notification and demand for payment.

Submit claim actions to Food and Nutrition Services Regional Office (FNSRO) in the following cases:

- o The STATE receives an appeal of claim actions from the responsible party; or
- The FNSRO directs the STATE to submit such claim actions for review.

Suggest or require corrective actions, either general or specific, as deemed necessary. Follow up and document corrective action requests.

Insurance should be involved when a loss occurs due to fire, theft, damage or another cause. Liability is assigned to the food bank that has a contract with MN DHS. If the food bank provides for liability, the amount of coverage must be at least equal to the value of the amount of food products on hand. The number of cases on hand is usually taken at the end of the month. The cost of this required insurance is an allowable expense. A current Certificate of Insurance must be on file at the food bank for each food outlet. Insurance coverage may be used to cover a commodity loss or, if the food bank chooses, an alternative funding source may be used. No TEFAP funds may be used to cover a commodity loss.

The responsible party shall -

- Purchase replacement food in-kind OR pay a claim (if the STATE has determined that the purchase of replacement food is not feasible) no later than 60 days from the date of the STATE's notification and demand for payment document. If in-kind replacement is not feasible then the replacement must be similar. (See definitions in this section.)
- Provide to DHS OEO copies of receipts for replacement food along with documentation of the source of the funds used to purchase the replacement food.
- Engage in corrective action as directed by the STATE.
- Document the corrective action.
- Electronically submit the documentation to the STATE

NOTE: At the time of an on-site review, if the food bank has had a loss in the past 12 months that resulted in corrective action; a review of all records related to loss will take place.

SECTION 6: INVENTORY CONTROLS

DHS OEO TEFAP Inventory Managers monitor food inventories through the year by reviewing monthly TEFAP inventory and allocation reports. Monitoring providers prevents sites from receiving commodities in excess of anticipated use and maximized program efficiency.

Food banks are required to complete:

1. Monthly TEFAP Inventory Value Report

By the 10th of every month, food bank staff are required to submit TEFAP product amounts received and distributed. Staff are also expected to report on all variances due to shortages,

overages, waste, etc. (including out of condition products) and complete and submit Commodity Incident Reports as incidences occur

2. Monthly TEFAP Site Distribution Report

By the 10th of every month, food bank staff are required to submit a report that documents TEFAP provider case distributions

3. Monthly Adjustment Report

By the 10th of every month, food bank staff are required to report on TEFAP product variances due to miss-picks, unaccounted for cases, etc.

4. Transfer Form

Due ongoing as needed, this form is required when a food bank would like to transfer TEFAP products to another food bank. Completed form is submitted to DHS OEO for final approval by emailing MNTEFAP@hungersolutions.org. This form must be approved prior to the transfer of any product.

5. Commodity Incident Reports

CIRs should be submitted at the time of incident. Depending on the reason for the CIR, this could either be when the BOL for that order is submitted, or when the waste/damage is discovered.

6. All other reports as requested by DHS OEO TEFAP Inventory Manager.

To produce an accurate monthly inventory and maintain optimal inventory control, it is recommended that the food bank institute strategies to keep TEFAP products separate from all other food. For example, segregating TEFAP in the warehouse and using pallet labels (including TEFAP, product name, USDA material number, date or receipt, expiration or best if used by date, pack date, number of cases on the pallet, and/or the number of units in each case, and reconciling different inventory reports with each other, are effective approaches.

Food banks are required to make TEFAP products available to eligible providers within 30 days of receipt. **This also applies to products that are being held at other sites**. If there are logistical concerns, banks should communicate through MNTEFAP@hungersolutions.org with details.

TEFAP inventories cannot exceed a six-month supply at any one site without approval from DHS OEO. TEFAP Inventory Manager maintains a 3/6 month inventory report to monitor the statewide TEFAP movement at all contracted distributing food banks to monitor the distribution rate of each product. If distribution during the three-month period indicates the commodity will not be completely dispersed within the six months of having originally received the product. DHS OEO TEFAP Inventory Managers may authorize re-allocating the remaining commodity to one or more food banks. Transfers of TEFAP commodities from one food bank to another must be approved by DHS OEO and must have the proper documentation recorded. The food bank requesting the transfer may be responsible for transportation fees if applicable. Administrative dollars may be redirected within a fiscal year to follow food that has been transferred.

Each food bank shall maintain product records and inventory control systems. This includes monthly inventory reports, reports detailing TEFAP allocation at provider level, and other additional reporting as requested. Failure to comply will result in a corrective action from DHS OEO. Food banks must report monthly TEFAP inventory movement to DHS OEO and the TEFAP Inventory Management

team by the 10th of the following month (June inventory must be reported by July 10th). In addition, adjustments must be reported on the adjustment form and sent each month if they are for reasons other than shortage, overage damage or waste.

For Minnesota's TEFAP inventory, each food bank is charged with maintaining their monthly inventory. Each food bank has a password-protected login for entering monthly receipts, distributions, and valuations of their products. The TEFAP Inventory Manager provides updated product descriptions, and weights and values as determined by USDA. The TEFAP Inventory Manager compiles a total monthly inventory report to DHS OEO by the 15th of each month.

SECTION 7: FOOD BANK MONITORING

The purpose of the monitoring process is to evaluate program operations, review record keeping procedures, and assure health and safety standards are maintained. The monitoring visits provide an opportunity for all parties to ask questions, discuss concerns, and make suggestions about the program.

Monitoring may include the following areas: fiscal review, storage and warehousing practice, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, program review and civil rights.

Monitoring of food banks takes place annually for those food banks receiving a combined food and administrative total award of \$750,000 or more. For those receiving under this threshold a biannual monitoring meets the USDA and state requirement. DHS-OEO reserves the right to make necessary changes to this schedule as needed.

Other items to be reviewed

- Proof of insurance
- Provider Agreements
- Provider monitoring
- Equipment maintenance
- Temperature logs
- Pest control
- Cleanliness
- Civil Rights training
- Required postings
- Commodity loss records
- Storage and warehousing practices (including refrigerators and freezers)
- Inventory review
- Discrimination complaints/process
- Reports-monthly stats
- Proper Food Storage Adherence (as outlined in Section 5: Food Storage and Handling p.9)

SECTION 8: TO BE A TEFAP PROVIDER

As required by FNS 113-1, TEFAP providers must be committed to making it as easy as possible for those in need to get food. Participating providers create policies and rules that are respectful and encourage generosity and flexibility. TEFAP providers must guarantee the same level of service for all participants regardless of address, language limitations, disability, race, color, national origin, religion, sex, age, citizenship status, marital status, sexual orientation, gender identity, familial status, receipt of public assistance, and being a member of a local human rights commission. Participating in TEFAP not only provides food shelves with free and nutritious food, it also promotes an environment of fairness and equity.

Providers that are interested in receiving TEFAP foods must be a public or private organization, Tribal Nation, governmental agency or a not-for-profit organization with a 501(c) 3 tax-exempt status or church affiliation and must not be a penal institution. The physical facility must be safe and appropriate for storing and distributing TEFAP foods. If the site is not handicap accessible, the provider will need to identify ways in which appropriate accommodations can be made for participants.

Interested Tribal Nations, agencies, on-site meal programs, shelters, and mobile (household) food programs can apply to their regional food bank to be TEFAP eligible. Kids feeding programs and Backpack Programs are currently not eligible for TEFAP. The food bank will provide information on TEFAP regulations and requirements. DHS OEO will make the ultimate determination if the applicant is approved based on TEFAP compliance verifications. Food banks are not permitted to distribute to any agency until approval has been granted.

As of 1/1/2018, all new TEFAP applicants are required to have a Client Choice distribution model. Examples of this model may include full shopping choice, menu (participants are given a list of available foods), partial choice (prebagged shelf stable items, but choice for perishables), etc.

When national emergencies occur, TEFAP providers are allowed more flexibility in regards to distribution models. Please note that providers must still provide food in the least restrictive setting feasible and institute Client Choice options when possible. Distributions must align with safe practice policies and adherence to Minnesota Department of Health (MDH) and CDC guidelines.

TEFAP providers are required to sign a TEFAP Site Distribution Agreement with their regional food bank. They may also be required to sign additional compliance documents, as needed. The requirements for these agreements are created at DHS OEO and are based on TEFAP State and Federal regulations.

If all of the requirements mentioned below are not met, providers risk being removed from TEFAP and Minnesota Food Shelf Program (MFSP) grants.

Per the TEFAP Site Distribution Agreement, TEFAP providers are required to have the following items in place:

- 1. Hours of operation and address are clearly posted, and updated on phone messages, websites, and other methods of publicity. When a change in regularly scheduled hours occurs, providers must contact their regional food bank *and* Hunger Solutions Minnesota (HSM), to ensure that the MN Food Helpline has up to date information.
- 2. Every effort must be made to set food distribution hours that accommodate participants' schedules; this could include evening and weekend hours. If a TEFAP provider is open two days a month or less, a plan to serve participants that are unable to come needs to be submitted by the provider to their regional food bank (Agency Specialist). Please take into consideration the expectation of community coverage. For example, connect with your neighboring food shelf to discuss complementary schedules.
- 3. Civil Rights "And Justice for All" posters, SNAP materials, and Voter Registration information are posted and resources provided.
 Per MN Statutes, Section 201.162 regarding provision of non-partisan voter registration services to employees and program participants. Nonpartisan voter registration assistance, including routinely asking whether program participants would like to register to vote and, if necessary, assisting them in preparing the registration forms must be part of the job of the provider.
- 4. TEFAP Eligibility is confirmed at least annually or more often.
 - i) Households are eligible to receive TEFAP if they self-report that their household income is at or below the percentage of the federal poverty level as determined in Minnesota's TEFAP State Plan and that they live in Minnesota. In addition, households automatically qualify for TEFAP if they participate in any of the programs listed on the TEFAP Eligibility Form. TEFAP regulations do not allow providers to ask for *or* collect income documentation like pay stubs, or other income data from program participants.
 - ii) The Data Privacy/Tennessen Warning must also be signed or confirmed by participants annually or at the time TEFAP foods are received and kept on file for 7 years. TEFAP providers cannot discuss private information with other providers.

USDA Federal Regulations do not allow TEFAP providers to place extra requirements for participants, in addition to requirements stated in this manual. Additional forms, meetings with intake workers, and other processes must be **optional.** TEFAP providers are required to explain to participants that completing additional forms and/or providing additional information is their choice and in no way prevents them from getting food.

(Please refer to Section 9: To Use A TEFAP Provider p. 20 for more information.)

5. A record of participants served at every food distribution is collected and kept for 7 years. This can be done by signature or by somehow indicating from a list who was served at each distribution. This serves as both a declaration that households are within the eligibility guidelines and documentation of the receipt of USDA foods. This can be done paperless. Contact DHS OEO for more information. DHS OEO will review records either during routine monitoring or at any other time to ensure records match services provided. DHS OEO can

- request to review these records at any time. Failure to complete and maintain records can result in suspension of access to TEFAP foods.
- 6. Civil Rights Training is completed annually and records are collected and kept for 7 years. TEFAP providers must comply with USDA Civil Rights Regulations and the Minnesota Human Rights Act. Sites are prohibited from discriminating based on race, color, creed, national origin, religion, sex, sexual orientation, marital status, familial status, age, disability, status with regard to public assistance. Civil Rights training is available through regional food banks.
 - A Civil Rights training must be completed and documented annually by all TEFAP
 provider site staff and volunteers who interact directly with participants. Forms of
 documentation include staff/volunteer signatures, completion of training documents,
 online certificates, meeting agenda and sign-in sheets, and/or signed Civil Rights
 checklist.
 - ii. A Civil Rights Checklist is available to be used to educate one-time volunteers on how to follow Civil Rights requirements during distribution. All volunteers must sign the Civil Rights Training Checklist available on Hunger Solution Minnesota's TEFAP page at:
 - http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/
 - iii. Anyone wishing to file a discrimination complaint can do so at: USDA, Office of the Assistant Secretary for Civil Rights, Discrimination Complaint Filing, at any USDA office, or may call 1-866-632-9992 to request the complaint form. This information is also available on the "And Justice for All" poster.
 - iv. Participants should never be discouraged from filing a complaint.
- 7. Proxy Permission, Americans with Disabilities Act (ADA) Plan, and Limited English Proficiency accommodations are in place. Because of TEFAP providers' pledge to provide the same level of service to all participants, clear plans that support this commitment are required. Templates are available on Hunger Solutions Minnesota's TEFAP page at: http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/
 - i) Proxy Permission

Participants who may have difficulty getting food may select someone else to pick up their food. This is called a **proxy**. TEFAP providers are required to allow proxy options for <u>all</u> participants. DHS OEO has updated its Data Privacy form to include a section that offers participants an opportunity to choose a proxy.

ii) Americans with Disabilities Act (ADA) Plan

Per Title III, each TEFAP provider is required to have an Americans with Disabilities Act (ADA) plan on file. This plan explains that no one may be discriminated against based on disability. If a TEFAP provider is in a site that is not handicap accessible, the plan will lay out how the food shelf will accommodate all. TEFAP providers are required to complete and post an ADA Plan form at their site.

iii). Limited English Proficiency Accommodations

To make sure that there is meaningful access for people with limited English proficiency, TEFAP providers are required to make reasonable accommodations available. If a food shelf serves non/limited-English speaking households, they must guarantee that free language assistance is available. A mix of language assistance services must be based on what is reasonable and necessary.

The accommodations must reflect the current level of need at the TEFAP provider's site and may include:

- TEFAP Eligibility form is available in English, Spanish, Hmong, Somali, Vietnamese, and Russian. The Data Privacy form is available in English and Spanish.
- Contact information for translation services. Free online or telephone translation services Monday-Friday 8:30am-4:30pm from Hunger Solutions Minnesota Food HelpLine 1-888-711-1151
- I Speak cards or similar documents for identifying language needs
- 8. Grievance Policy/Complaint Form is posted, easily seen by participants, and details what participants should do if there is a grievance or complaint. An approved DHS OEO template is available on Hunger Solutions Minnesota's TEFAP page at: http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/
- 9. Purchased and donated food is distributed in conjunction with TEFAP foods.
- 11. Staff and volunteers are able to get TEFAP foods if they meet eligibility requirements. However, volunteers may not be given extra food to encourage their help.
- 12. TEFAP commodities are not sold and contributions are not requested. USDA requires providers to provide commodities to eligible households at no charge. Selling or trading commodities for services is strictly prohibited. Violators are subject to Federal and/or State prosecution.
- 13. Political activity in any form is prohibited during commodity distribution.
- 14. Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at sites as long as the person conducting the activity makes it clear that the activity is not a part of TEFAP or endorsed by USDA, does not disrupt the distribution of TEFAP foods or meal service, and that cooperation is not a condition of the receipt of TEFAP foods.
- 15. Notification is provided in case of TEFAP provider closure. When a TEFAP provider decides to either terminate its participation with TEFAP or the Minnesota Food Shelf Program (MFSP) or close down completely, the regional food bank, Hunger Solutions Minnesota, and DHS OEO must be notified. The provider is required to send a 30 day written notice and include its plan to provide referrals of alternate food support programs to be shared with participants.

Remaining inventory and TEFAP participant records must be returned to the regional food bank before closure. All outstanding reports (MFSP, Monthly Statistics Reports, etc.) must be completed and returned to appropriate organizations before closure.

DHS OEO and the regional food banks are committed to providing partnership, food support, and resources to providers, working together in cooperation to minimize the effect that a provider closing has on the community is essential.

16. TEFAP requirements are not to be waived or modified by the site in the event of an emergency such as a natural disaster. Any variations from normal distribution must come from the Federal level and will be communicated to the site through DHS OEO.

SECTION 9: TO USE A TEFAP PROVIDER

TEFAP providers understand that turning away people that are hungry violates the basic intent of TEFAP. Participating in TEFAP not only provides participants with food, it also promises that they will be treated fairly and consistently. Proximity to a job, hours that are more flexible, a more agreeable distribution model, or bilingual accommodations are just a few of the reasons why households would want to use a TEFAP provider outside of their neighborhood.

TEFAP providers are required to provide food assistance to all households that express need whether or not they reside within the provider's "self-identified" service area.

USDA and DHS OEO support TEFAP providers to serve households outside of their "self-identified" service area by providing TEFAP commodities and Minnesota Food Shelf Program (MFSP) funding. The more individuals a provider serves, the more TEFAP and MFSP funding the provider receives.

For the purpose of TEFAP, a "household' is defined as a single individual or group of related or unrelated individuals who are living as one economic unit and purchase and prepare food together. In cases where it is self-reported that multiple households live together at the same residence, <u>each household</u> is eligible for their own food service.

Youth who are disconnected from a household and are responsible for their own basic needs are allowed to use TEFAP providers and must be offered the same level of service as all other food shelf users.

TEFAP providers must serve homeless participants with the same level of service that all other participants receive. Since homeless households do not have a residence, they are not confined to a specific service area and are eligible to receive food from the TEFAP provider most convenient for them.

Minnesota uses a process of self-declaration to determine eligibility. To be eligible to use a TEFAP provider, a household must:

- 1. Self-report that their household income is at or below the percentage of the Federal Poverty Level (FPL) as determined in MN's TEFAP State Plan (currently at 300% FPL)
- 2. Self-report that they are in Minnesota, their physical presence in Minnesota demonstrates this

Additional eligibility criteria cannot be imposed on participants.

TEFAP Provider Intake:

TEFAP providers agree to make it as easy as possible for those in need to access food. Requiring photo identification presents a significant barrier to many of the people that are seeking food assistance, therefore no photo identification or legal documentation is required to access food.

Due to the Privacy Act of 1974, Social Security numbers (even requesting the last 4 digits) may not be collected as part of the TEFAP provider's intake. Personal information like names, birthdates, ethnicity, gender, etc. may only be self-reported.

TEFAP provider participants are required to:

1. Self-declare that they are eligible for TEFAP by signing the TEFAP Eligibility Form and Data Privacy Form annually.

Or

2. Confirm TEFAP eligibility at each distribution. (Per FD-036)

Intake staff should either:

- i. Ask participants to verbally verify that they are still eligible for TEFAP based on the income and residency requirements *each* time food is received **or**
- ii. At the time of annual intake, notify the household that they are required to report income changes that may affect their eligibility
- 3. Provide a confirmation that they have received TEFAP food. This can be done with a signature or other paperless verification.

At TEFAP provider sites, consultation with an intake worker and/or filling out extra paperwork must be voluntary and cannot be required in order to receive food. If providers want to ask participants for more personal information than required for TEFAP (to assist with providing additional resources and referrals, etc.), this needs to be done voluntarily and separately from the TEFAP intake. Additional intake forms need to be clearly labeled as *Optional* and staff are required to explain to participants that they do not need to fill out provider forms in order to access food. TEFAP providers may be able to connect interested participants with important resources, but receiving food is primary and providing resources is secondary.

An example dialogue:

TEFAP provider staff:

Hello, welcome to ABC Food Shelf. Since this is your first time here, there are 2 documents that participants are required to fill out every year. The TEFAP Eligibility Form, which serves as your self-declaration of eligibility and the data privacy form which lets you know that the information you give us is private and offers reasons why we're asking for information (Providers may also have participants provide verbal verification of eligibility). At this time, you also have the opportunity to choose a proxy, someone else to pick up your food if you are unable to.

Participant:

Ok

TEFAP provider staff:

Our program has other resources that may assist you. This extra paperwork is optional, but may help us connect you to more resources.

Participants can then choose if they are interested in learning more about available resources.

SECTION 10: ON-SITE MEAL PROGRAMS

There is no federal standard or requirement for determining the eligibility of individuals to receive prepared meals. Individuals are presumed to be needy because they seek meals at an approved TEFAP site, which, per 7 CFR 251.5 (a) (2), is providing meals to serve predominantly needy persons.

TEFAP providers that offer on-site meals do not have to maintain records of the names of people to whom they serve meals and meal recipients do not have to sign for their meals. (FD-036)

The programs are required to submit monthly reports of the actual number of meals served and required to report to the food bank by the 10th of every month and participate in monitoring activities. Onsite meal programs are also required to abide by the storage standards set by USDA, MN DHS and the local health department.

The meals must be served on a regular basis in a clean and secure environment as a regular part of services. An onsite meal program must be a public or private organization, governmental agency or a not-for-profit organization with a 501(c) 3 tax-exempt status or church affiliation and must not be a penal institution. The kitchen must have a person who has a current Food Handlers Certification. The physical facility must be safe and appropriate for storing and distributing donated food and must be open a minimum of 2 hours per month. The onsite meal program must meet ADA standards. Onsite meal programs that are not homeless and/or domestic violence shelters must conduct public outreach

and serve all needy persons. Services may not be restricted to special populations such as the elderly, children or members. Residential treatment facilities and Senior Centers that serve congregate meals do not qualify for TEFAP.

Special food handling requirements for onsite meal programs include but are not limited to:

- Use of non-porous countertops, preferably stainless steel.
- Disinfecting all countertops and utensils (a cold water bleach solution may be used).
- Use of new or properly sanitized reusable food storage containers; plastic bags may not be reused.
- All food handlers must wash hands, wear disposable plastic gloves and cover their hair with hair nets.
- No smoking is allowed in any food preparation or eating area.
- Shirt pockets must be emptied and decorative hats and jewelry removed if they could fall into the food.
- All food prep and service areas must be free of any type of insect or other foreign matter that could contaminate food.

SECTION 11: REPORTS

TEFAP providers are required to submit monthly Statistic Reports to their regional food bank by the 10^{th} day of the following month (reports for June are due by July 10^{th}). If reports are submitted late, the regional food bank may restrict ordering access to the TEFAP provider. The food banks then report cumulative statistics to The TEFAP Inventory Manager. The data collected allows the opportunity to analyze provider statistics looking for patterns, trends, and significant increases/decreases in usage. The aggregate data also illustrates the statewide level of need for emergency food.

Statistics required from TEFAP providers (excluding on-site meal programs) are the number of:

- Children (ages 0-17)
- Adults (ages 18-64)
- Seniors (age 65+)
- Households
- Pounds of food distributed

Statistics required from on-site meal programs are, number of:

- People served
- Meals distributed

SECTION 12: MONITORING REQUIREMENTS

USDA requires regular monitoring of food shelves and on-site meal programs that receive TEFAP foods. TEFAP providers are required to cooperate in monitoring visits. DHS OEO TEFAP Inventory Manager, and food banks work in partnership to ensure that all TEFAP providers comply with TEFAP regulations.

Monitoring visits provide important opportunities to look at program policies and to ensure that TEFAP regulations are being followed. These visits also offer staff and volunteers a chance to provide feedback on TEFAP product orders, distribution procedures, and suggestions for improvement.

Monitoring activities include observation of food distribution, storage facilities, program operations, participant and retention records, and assurance that health and safety standards are maintained. All providers that receive TEFAP foods must comply with corrective actions when they are identified during a monitoring visit. DHS OEO and food banks may also conduct unannounced visits at their own discretion.

DHS OEO will provide a written monitoring report to each site after a visit. TEFAP providers must make available to DHS OEO and the food banks, information and access to records as is needed to conduct the annual compliance-monitoring visit. (FNS FD-124)

TEFAP Provider Monitoring by DHS OEO

DHS OEO will conduct annual reviews of at least 10% or 20, whichever is fewer, of all Minnesota TEFAP providers as determined by a risk assessment and random selection. USDA 7 CFR 251.10(e)(2)(i)

Monitoring visits will include, but are not limited to:

- Assurance of TEFAP commodity distribution to needy persons through program eligibility requirements, intake, and distribution process
- Tax-exempt status
- Compliance with nondiscrimination requirements such as display of the USDA "...And Justice for All" Poster
- Complaint log
- Documentation of Civil Rights training for staff and volunteers
- Written Grievance, ADA, Proxy, and LEP Policies are in place
- Availability of SNAP resources
- Availability of Voter Registration information
- Appropriate record keeping regarding commodity distribution and client data records are being followed
- Assurance that providers do not sell TEFAP foods nor require participation in non-TEFAP program activities in order to receive TEFAP foods
- Proper Food Storage Adherence (as outlined in Section 13: TEFAP Provider Food Storage and Handling)
- Temperature log
- Outreach documents
- Client Choice

When corrective actions are identified, DHS OEO will work with TEFAP providers to address concerns. Providers will be given a length of time to make required changes. If corrective actions items are not completed, TEFAP providers risk pause or revocation for TEFAP and MFSP.

TEFAP provider monitoring tools can be found at:

http://www.hungersolutions.org/programs/food-shelf-capacity/tefap/

TEFAP Provider Monitoring by Regional Food Banks

Annually, each regional food bank will monitor a minimum of 25% of their providers that receive and distribute TEFAP foods pursuant to USDA General Regulations and Policies Section. The remainder will be selected on a two-year rotation basis. At a minimum, over the course of two years, every TEFAP provider will be monitored by the regional food bank, as part of the Site Distribution Agreement. Monitoring tools need to be approved by DHS OEO. A list of monitored providers must be available upon request. (7 CFR 251.10 €)

SECTION 13: TEFAP PROVIDER FOOD STORAGE AND HANDLING

When TEFAP providers receive TEFAP foods, they are responsible for the safekeeping of the products until the product is given to eligible participants. TEFAP foods must be distributed properly and any loss or damage caused by failure to provide proper storage, care, or handling is the responsibility of the provider. DHS OEO may require the provider to replace TEFAP foods in kind or to re-pay the value of the products as determined by USDA if this happens. Losses must immediately be reported to the regional food bank who will in turn report to DHS OEO. Repacking TEFAP products is not allowed unless approved by DHS OEO.

Storing TEFAP foods

Storage facilities must be clean, climate controlled, secure from theft, and have enough storage for USDA foods. Required storage and handling practices include, but are not limited to:

- Food must be stored off the ground (at least 6 inches), away from the wall (at least 4 inches), with at least a 2 foot ceiling clearance.
- Non-food items and toxic items (soap, bleach, cleaning supplies, etc.) must be stored separately from food.
- Maintain and document proper temperatures by using inner and outer thermometers, and temperature logs.

Dry TEFAP foods must be stored at 50-70° F

Refrigeration must be maintained at 34-40° F

Freezers must be maintained at 0° F or below

- All units must be clean and inspected on a regular basis.
- Keep floors, pallets, shelving, and storage areas clean. Make sure that there is a cleaning schedule established.
- Maintain an effective pest control system. Have a qualified person on staff or contract with a licensed firm to handle pest control management. Poisons must not be used except by a licensed professional.

• The exterior should be inspected regularly for signs of fire hazards, pest infestation, security problems, and repair.

First In/First Out Rotation of Stock

To help guarantee the quality and freshness of TEFAP foods, the practice of First In/First Out (FIFO) must be followed. Food must be stored so cases with the oldest pack dates are used first. Staff must routinely check inventory to guarantee that TEFAP foods are in proper shape for distribution.

Out of Condition/Damaged TEFAP foods

All TEFAP foods must be inspected upon receipt. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products. If a provider has a complaint regarding TEFAP foods, the site should contact the regional food bank and detail the item(s) in question.

Minnesota Regional Food Banks' Service Areas by County

Channel	The Food	Great	North	Second	Second Second	by County	Second
One	Group	Plains	Country	Harvest Northern	Harvest Heartland		Harvest North
				Lakes	Trourtiana		Central
Dodge	Hennepin	Clay	Becker	Carlton	Anoka	Murray	Aitkin
Faribault			Beltrami	Cook	Benton	Nicollet	Cass
Fillmore			Clearwater	Lake	Big Stone	Nobles	Crow Wing
Freeborn			Douglas	St. Louis	Blue Earth	Pine	Itasca
Goodhue			Grant		Brown	Pipestone	Kanabec
Houston			Hubbard		Carver	Ramsey	Koochiching
Mower			Kittson		Chippewa	Redwood	Mille Lacs
Olmsted			Lake of the Woods		Chisago	Renville	
Rice			Mahnomen		Cottonwood	Rock	
Steele			Marshall		Dakota	Scott	
Wabasha			Norman		Isanti	Sherburne	
Waseca			Otter Tail		Jackson	Sibley	
Winona			Pennington		Kandiyohi	Stearns	
			Pope		Lac Qui Parle	Swift	
			Polk		Le Sueur	Todd	
			Red Lake		Lincoln	Washington	
			Roseau		Lyon	Watonwan	
			Stevens		Martin	Wright	
			Traverse		McLeod	Yellow Medicine	
			Wadena		Meeker		
			Wilkin		Morrison		

Technical assistance is available to Food Banks, TEFAP Providers, and On-Site Meal Programs through DHS-OEO. Examples include, but are not limited to consultation with staff, written and electronic resources, and access to resources within the network of anti-poverty programs. If you have questions, feel free to contact:

MN DHS OEO TEFAP Managers MNTEFAP.DHS@state.mn.us