

SUBJECT: Administration

A. State Agency. The Department of Agriculture and Consumer Services, Bureau of Food Distribution, has been designated as the agency for the State of Florida that provides USDA TEFAP commodities to eligible recipient agencies for further distribution to needy persons, and to receive payments from USDA for the administration, storage and distribution of USDA TEFAP commodities.

B. Definitions. Please refer to P & P Number 251.3 of this Procedures Manual.

C. Agreements/Contracts.

1. The Bureau must enter into a written agreement (or contract in Florida) with any eligible recipient agency (state-contracted RA) to which it plans to distribute TEFAP commodities and/or administrative funds.
2. The state-contracted recipient agency must enter into a written agreement with any eligible recipient agency in its contracted service area to which it plans to provide (sub-distribute) TEFAP commodities. Any sub-distributor that wishes to further distribute TEFAP commodities to another agency, must also enter into a written agreement with that agency.
3. State-contracted RAs may not enter into agreements for the sub-distribution of any TEFAP commodities outside of their contracted service area.
4. All agreements must contain the information specified in Paragraph C below and are considered permanent with amendments. Information in the agreements should be updated at least annually to ensure accuracy.

D. Selection of Recipient Agencies. The Department shall select one (1) Eligible Recipient Agency (ERA) for each County or service area except as otherwise provided by the Request for Proposal (RFP), according to an assessment of each organization's ability as established through a formal RFP. Contracted RA will be responsible for distribution of all TEFAP commodities in its contracted service area.

E. Contents of Agreements. The contract between the Bureau and the state-contracted recipient agencies as well as any agreement between two or more eligible recipient agencies must be in writing and must provide:

1. The name and address of the eligible recipient agency receiving TEFAP commodities and/or administrative funds under the agreement.

2. A clause that eligible recipient agencies agree to operate their programs in their contracted service area in accordance with the requirements of 7CFR 251, 7CFR 250 (as applicable), all pertinent policies, rules and regulations and this manual.
3. That the state-contracted RA will provide training to its administrative staff and conduct training and monitor sites and sub-distributors annually; will conduct comprehensive review of its sub-distributors as required for compliance with 7CFR 251, federal rules and regulations and all pertinent state and local laws and rules.
4. That the state-contracted RA, and its sub-distributors, will distribute TEFAP commodities only to benefit eligible people in its contracted service area.
5. The following information must also be identified, either in the agreement or other written documents, and incorporated by reference in the agreement:
 - (a) If the Bureau delegates the responsibility for any part of the program to an eligible recipient agency, each function for which the eligible recipient agency will be held responsible must be enumerated. In no case will responsibility for establishing eligibility criteria for recipients or conducting reviews of eligible recipient agencies, be delegated.
 - (b) If the sub-distributing receiving eligible recipient agency is to be allowed to further distribute TEFAP commodities and/or administrative funds to other eligible recipient agencies, the specific terms and conditions for so doing, including, if applicable, a list of specific organizations eligible to receive commodities or administrative funds.
 - (c) Chapter 7, Section 251.4(h) establishes a two-tier system for distribution of commodities to eligible recipient agencies (ERA). TEFAP commodities must be distributed according to the established priorities:
 - (1) First Priority. Will be given to **emergency feeding organizations** (EFO) that relieve situations of emergency and distress: (1) Soup Kitchens; (2) Food Pantries and mass household distribution sites; and (3) other Food Banks.
 - (2) Second Priority. **After** the needs of the first priority agencies (EFOs) have been met, any remaining TEFAP commodities may be sub-distributed to other eligible recipient organizations that **do not** relieve situations of emergency and distress, in the following order: (1) temporary shelters (1-2 nights); (2) transitional living centers; (3) substance abuse rehabilitation centers; (4) charitable institutions; and (5) child nutrition programs.

- (3) ERAs are encouraged to implement or expand TEFAP commodity distribution activities to needy households in un-served, underserved and rural areas of the State.
 - (d) The Bureau may restrict the use of TEFAP administrative funds by eligible recipient agencies by disallowing one or more types of expenses expressly allowed in P & P 251.8, Payment of Funds for Administrative Costs. If the Bureau so restricts the use of administrative funds, the specific types of expenses the eligible recipient agency will be allowed to incur must be identified in the agreement or delineated in other written notification that is incorporated into the agreement by reference.
 - (e) Any other conditions required by the Bureau.
6. Sub-distributing eligible recipient agencies wishing to further distribute TEFAP commodities or funds, must first enter into a written agreement with each of its sub-distributors (See Policy and Procedures 251.5).
 7. Exhibit A is a sample agreement between two eligible recipient agencies for the sub-distribution of TEFAP commodities to needy persons.