



Washington  
State Department of  
Agriculture

## FOOD ASSISTANCE PROGRAMS

EMERGENCY FOOD ASSISTANCE PROGRAMS (EFAP)  
POLICIES & PROCEDURES MANUAL FOR  
TRIBAL VOUCHER CONTRACTORS & SUBCONTRACTORS

# NOVEMBER 2015

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# MANUAL INTRODUCTION

## Manual Introduction

Welcome to the updated procedures manual for the Emergency Food Assistance Program (EFAP) Tribal Voucher Program. This manual is written to assist Contracting Agencies and their respective Subcontractors in successfully administering EFAP. The effective date of this manual is July 1, 2015. This update includes general updates and additions. Please discard any previous EFAP procedures manuals you may have at your agency.

The Revised Code of Washington (RCW) Title 43.23.290 designates the Washington State Department of Agriculture (WSDA) to be the State agency responsible for the distribution of commodities and administrative funds of The Emergency Food Assistance Program (TEFAP), the Commodity Supplemental Food Program (CSFP), and the State funded Emergency Food Assistance Program (EFAP). If any procedure or guideline is found to be in conflict with the RCW, the RCW will prevail.

These policies and procedures shall be expanded, as necessary, during the course of the program period. If changes are made, Contractors shall receive notice of changes through program update emails.

These policies and procedures are specific to EFAP and shall be followed by the Contractors and Subcontractors receiving assistance under EFAP. Compliance with subsequent modification to this manual is also mandatory for all Contractors and Subcontractors.

Please take the time to thoroughly review the manual with your staff working with the WSDA Food Assistance Programs. Your feedback is valued and extremely important. If you have questions, suggestions, changes or corrections regarding this manual, please let your WSDA Regional Representative know.

### **Washington State Department of Agriculture**

**Food Assistance Programs  
1111 Washington ST SE  
PO Box 42560  
Olympia, WA 98504-2560**

**Or e-mail to: [foodassistance@agr.wa.gov](mailto:foodassistance@agr.wa.gov)**

This manual is available on our website at: <http://agr.wa.gov/FoodProg/PolicyProcedure.aspx>. This manual is a work in progress and we encourage your involvement to make this manual a tool that is valuable to you as a WSDA Contractor.

With Appreciation,

The Food Assistance Programs Team

# MISSION STATEMENT

## Mission Statement

The Washington State Department of Agriculture's (WSDA) Food Assistance Programs assist local and tribal organizations in providing emergency food to low income and vulnerable individuals throughout Washington State. Our goals are to develop key partnerships and data-driven strategies to alleviate hunger and increase the amount of nutritious foods distributed through emergency food programs.

WSDA's Food Assistance Programs feed Washington's hungry by providing state and federal food and funding to food banks, food pantries, meal programs and tribes while supporting the agricultural community and promoting consumer and environmental protection.

We equitably distribute those food commodities made available to the State of Washington to qualified low income clients. In addition, provide service agencies throughout the state with the necessary framework to keep food assistance distributions flexible and responsive to client needs.

# FOOD ASSISTANCE PROGRAMS OVERVIEW

## Food Assistance Programs Overview

The Washington State Department of Agriculture (WSDA) provides service to the people of Washington by supporting the agricultural community and promoting consumer and environmental protection. The Food Assistance Programs is part of the Food Safety and Consumer Services Division which plays an active role in defending the safety, integrity, and availability of our food system.

WSDA's Food Assistance Programs provide approximately \$20 million worth of food and funding to support 500 food banks, food pantries, meal programs, tribes and tribal organizations. One in five Washingtonians receives food from food pantries that were supported with resources from WSDA. On average, a person needing food assistance visits a food pantry 6.5 times in a year, resulting in over 8.95 million visits. Tribes issue vouchers to 3,661 families representing 9,526 people. On average, families receive vouchers twice a year.

### **CORE FUNCTIONS INCLUDE:**

- Distributing U.S. Department of Agriculture (USDA) federal commodities.
- Providing state and federal funds to support food banks, food pantries, meal programs, tribes and tribal organizations.
- Helping partners leverage existing resources to create a collaborative statewide food assistance network.
- Providing technical assistance and information to community programs that deliver emergency food and services to hungry people.

### **THE FOOD ASSISTANCE PROGRAMS INCLUDE:**

#### **Commodity Supplemental Food Program (CSFP)**

A federally funded USDA program that provides nutritious food “packages” designated specifically for the needs of low-income elderly people at least 60 years of age. (Limited availability)

#### **Emergency Food Assistance Program (EFAP)**

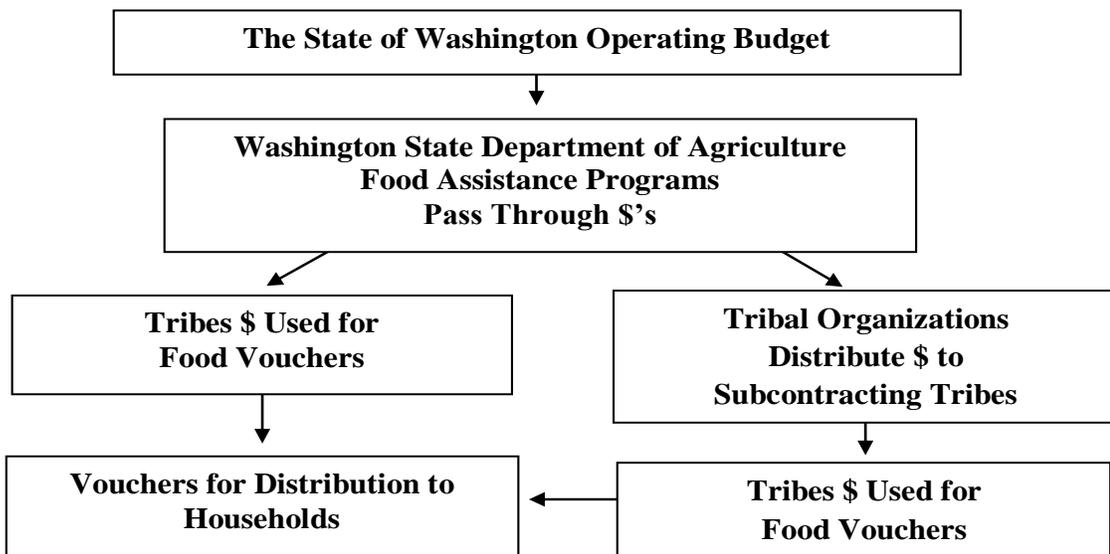
A state funded program that supports local providers with funding to help alleviate hunger for low-income children, adults, working poor, elderly and the homeless. Funding is flexible for food banks and food pantry providers; they may use their funding for the purchase of equipment or repairs, to purchase food and for operational costs. Tribal voucher programs may use a certain portion of funding for administrative and operational costs and at least 85 percent for the vouchers themselves. Tribes receiving funding may use it to help operate a food pantry or for tribal food vouchers.

# FOOD ASSISTANCE PROGRAMS OVERVIEW

## The Emergency Food Assistance Program (TEFAP)

A federally funded USDA program that helps supplement the diets of low-income Washingtonians, including elderly people by providing them with emergency food and nutrition assistance. TEFAP provides food and operational funding for distribution to non-profit organizations such as community action councils, food banks, food pantries, shelters and meal programs in Washington.

## EFAP TRIBAL VOUCHER PROGRAM FLOW CHART



## FOOD ASSISTANCE PROGRAMS ADVISORY COMMITTEE

The WSDA Food Assistance Programs (FAP) Advisory Committee, which is part of the Washington Food Coalition, plays an important role in shaping how WSDA Food Assistance Programs (CSFP, EFAP-Food Pantry, EFAP-Tribal Voucher and TEFAP) can provide the most value to the food assistance provider network and to those whom they serve.

The FAP Advisory Committee is comprised of a Committee Chair, Vice Chair, Committee Members, WSDA staff and other interested parties. The Advisory Committee works on making recommendations for program policy changes and improvements, streamlining program processes and reviewing and suggesting changes in the food distribution system. To find out more about the Advisory Committee meetings and members please contact Washington Food Coalition or your WSDA FAP Regional Representative.

The Washington Food Coalition has set up a page on their website where notes and information from FAP Committee meetings are posted for anyone interested in staying informed. Please visit <http://www.wafoodcoalition.org/fap> for more details.

# FOOD ASSISTANCE PROGRAMS CONTACT INFO

## Food Assistance Programs Contact Information

### **FOOD ASSISTANCE PROGRAMS STAFF**

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1111 Washington ST SE, PO Box 42560  
Olympia, WA 98504-2560

Program E-mail: [foodassistance@agr.wa.gov](mailto:foodassistance@agr.wa.gov)  
Program Website: <http://agr.wa.gov/foodprog>

# DEFINITIONS

## Definitions

**Administrative Expenses** – Management and general expenses to including membership dues that cannot be readily identified with a particular program.

**Applicant** – A public or private nonprofit organization, tribe, or tribal organization that applies for Emergency Food Assistance Program funding.

**Authorized Representative** – Means the WSDA Director and/or the designee authorized in writing to act on the Director’s behalf.

**Authorized Signature** – Signature of the board president, tribal chairperson, agency director or other official authorized to sign.

**Client** – Means a person who is in need of emergency food because of economic circumstances and hunger; the term means the same as “Needy Persons” under 7 CFR 250.3 and includes all such persons regardless of whether the person is currently obtaining services from any Emergency Food Provider.

**Contract** – A legally binding agreement between the state and another entity, public or private, for the provision of goods and services. Agreements, letters of intent, memos of understanding, and contract awards are specific forms of contracts.

**Contractor** – An applicant that has been awarded state Emergency Food Assistance Program funds, and has entered into the Contract with the WSDA to provide emergency food assistance to individuals within a county, multi-county region, a tribe or tribes.

**Coordinated Services** – Making contact with and sharing information about other programs and establishing procedures for referring clients between food pantries and other services.

**Desk Program Review** – Conducting a program review of the Contractor’s performance by requesting documentation to be mailed to WSDA staff for review at the desk of WSDA staff.

**Debarment** - The act of being suspended or being declared ineligible by any state or federal agency from participating in any transactions with them.

**Emergency Food Assistance Program (EFAP)** – The statewide activities of the WSDA to assist local emergency food programs by allocating and awarding state funds and subject to WAC 16-740.

**Emergency Food** - Food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

**Emergency Food Provider** – A tribe or agency that provides clients with any kind of emergency food.

**Equipment** – Any tangible nonexpendable personal property with a useful life of more than one year.

**Federal Award Uniform Guidance** – means 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, available at [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

# DEFINITIONS

**Food Assistance Programs (FAP)** – Washington State Department of Agriculture’s (WSDA) Food Assistance Programs (FAP) assist local organizations and tribes in providing emergency food to low income and vulnerable individuals throughout Washington State. EFAP is one of the programs within FAP.

**In-Kind** – The value of volunteer services or donated goods including staff time, rent, food, supplies and transportation.

**New Client (unduplicated)** – For the purposes of EFAP, means a client served by an Emergency Food Provider during the reporting period for the FIRST time in the current fiscal year.

**Not-for-profit corporation** – RCW 24.03 provides the code for nonprofits and states, “not for profit corporation” or “nonprofit corporation” means a corporation no part of the income of which is distributable to its members, directors or officers; no members or directors may benefit. All nonprofits must be registered with WA Secretary of State.

**On-Site Program Review** – The physical act of going to a Contractor’s location to conduct a program review for compliance.

**Operational Expenses** – Those costs that are clearly identifiable with providing direct services to eligible clients, or distribution services to food pantries.

**Participating Food Pantry** – means a local public or nonprofit food pantry that provides emergency food assistance to clients and receives state or federal emergency food assistance funding or food through the Contractor.

**Program Review** – Any planned, ongoing, or periodic activity that measures and ensures Contractor compliance with the terms, conditions, and requirements of a contract. The level of monitoring for program reviews will be based on a risk assessment of the Contractor’s ability to deliver services and its performance in delivering those services under the terms of the Contract.

**RCW** – Means Revised Code of Washington.

**Returning Client (duplicated)** – For the purposes of EFAP, means a client served by an Emergency Food Provider during the reporting period who the Emergency Food Provider previously served during the current fiscal year.

**Risk Assessment** – The process of evaluating exposure to harm or loss that could arise from an activity associated with the Contract. It consists of identifying and classifying risks based on certain characteristics, and measuring and evaluating the consequences of those risks.

**State** – Means the State of Washington.

**Subcontractor** – Means any association, tribe or organization that, by subcontract with the Contractor, is performing all or part of the services under the Contract. The term does not include the Contractor’s employees. The term includes any Subcontractor in any tier.

**Tribal Food Voucher Program** – The statewide activities of the WSDA, which allocate and award state funds to tribes or tribal organizations for the purpose of issuing food vouchers to clients.

# DEFINITIONS

**WAC** – Means Washington Administrative Code.

**WSDA** –The Washington State Department of Agriculture or its successor agency if any.

# QUALIFYING ELIGIBLE CLIENTS

## POL-1.1 Qualifying Eligible Clients

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### 1. **The WSDA Defines Eligible Client**

- Eligible clients are persons who are not able to purchase enough food for their subsistence.
- This is the minimum eligibility standard required by the state.

### 2. **Contractors and Subcontractors Can Create Additional Client Eligibility Standards**

- Contractors and Subcontractors must apply these additional standards to all clients, without prejudice.
- These standards apply to volunteers and employees of the Contractor and Subcontractor.

### 3. **Contractors and Subcontractors Must Have Written Eligibility Standards**

- Must clearly identify the agency's eligibility standards, such as: service area boundaries, number of times a client may access services in a month or year, proof of address or any other standard.
- Each Subcontractor must provide to the Contractor a copy of their standards prior to receiving reimbursement for expenditures through EFAP or receiving services supported by EFAP.
- Written eligibility standards must be available for clients to view.
- The WSDA can request copies of standards.

### 4. **Emergency Food Providers May Define Service Areas**

- Providers may self-define their service areas, but are urged to serve all clients the first time they request assistance. Providers may refer clients to other service agencies servicing the area in which the client resides, or to the tribe that has established jurisdiction over the area where the individual lives, for further food voucher assistance.

### 5. **All Providers Must Practice Nondiscrimination**

The policy of the WSDA Food Assistance Programs is to not discriminate against any class of persons in all services to clients. WSDA expects local programs to provide food to every person who seeks it, regardless of their status as a member of any class of persons.

Under federal law, certain classes of persons have a right to file a federal discrimination complaint if a local program using federal resources discriminates against them. Washington's state nondiscrimination law also applies to local programs and prohibits discrimination on the bases of:

- Race
- Color
- National origin

# QUALIFYING ELIGIBLE CLIENTS

- Age
- Sex
- Disability (any sensory, mental, or physical disability)
- Familial or parental status
- Marital status
- Political beliefs
- Creed
- Honorably discharged veteran or military status
- Sexual orientation (including gender identity)
- Use of a trained guide dog or service animal by a person with a disability
- All or part of the individual's income is derived from any public assistance program
- Reprisals

In addition to federal and state law, local programs may be subject to city or county nondiscrimination laws. For example, if your facility is a place of public accommodation in the City of Seattle, it may be subject to a nondiscrimination ordinance in the Seattle Municipal Code. Programs can check with their local government to confirm whether there are any local nondiscrimination laws.

Regardless of who are protected classes under law, however, food banks, food pantries, and meal programs and food voucher programs are more likely to avoid a discrimination claim by following WSDA's policy to not discriminate against any class of people. The purpose of the program is not to judge a person's status but to feed hungry people.

As well as not discriminating against any class of people, providers must also adhere to the following:

- Employees and volunteers meeting the same eligibility requirements for services shall be given the same opportunity to receive services and shall be treated the same as other clients.
- They must treat all clients with dignity.
- They shall not require, request or accept payment or donations from clients for food vouchers received.
- They shall not practice evangelism or proselytize, request or require clients to participate in any kind of religious service as condition for receiving food voucher services.
- They may not put religious literature in food bags, pray in the presence of clients or ask clients if they would like to pray before, during or after receiving services.
- Food Voucher activities must be totally separate from **any** religious activities. Tribes may have religious literature on a table or counter that clients may **voluntarily** take separate from any food voucher received.

# PERFORMING OUTREACH AND NETWORKING

## POL-2.1 Performing Outreach and Networking Activities

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Contractors Will Conduct Outreach Activities to Clients**

All Contractors providing direct services and Subcontractors shall register with 211 Statewide Telephone Information and Referral Network system.

- Tribes must register within 30 days of the effective start date of their contract.
- To register, a tribe can call 211 in its area or register online at [www.win211.org](http://www.win211.org).
- Tribes must prominently display the 211 number for the benefit of its customers.

Other networking activities may include:

- Posting information on EFAP food voucher services in public locations.
- Making food voucher information, including how to apply for food vouchers, available at public facilities, at tribal and government offices, hotlines, advocacy and community social service organizations.
- Issuing public service announcements about the program.

### **2. Contractors Will Network With Other Providers**

Contractors will coordinate services with other advocacy and community services organizations. "Coordinate services with" is defined as making contact with these programs, sharing information about programs, and establishing procedures for referring clients between food pantries and the other services, such as:

- Local Supplemental Nutrition Assistance Programs (Food Stamps) and cash assistance programs
- School breakfast, lunch and summer feeding programs
- Women's advocacy organizations
- Rental Assistance programs
- Senior centers
- Area Agencies on Aging
- Organizations and associations for people with disabilities
- Rescue missions and emergency shelters
- Churches and religious organizations, such as the Salvation Army, St. Vincent DePaul
- Local Department of Social and Health Services programs
- Urban Leagues
- Multi-cultural organizations

# PERFORMING OUTREACH AND NETWORKING

- Drug & alcohol treatment programs
- Local job training programs and local employment security offices
- Public transportation facilities

### **3. Contractors and Subcontractors Will Provide Information On Available Services To Clients**

Information can be handouts, pamphlets, or a list of services clients can take home with them about programs. At a minimum this information must list other social services available to clients, such as:

- Local Basic Food and cash assistance programs
- Emergency housing, rental assistance and low-income housing
- Job training programs including the closest employment security office
- Child care assistance
- School breakfast, lunch and summer feeding programs
- Drug and alcohol treatment programs
- Public transportation and other transportation assistance
- Additional services that will help clients gain greater self-sufficiency
- Energy Assistance
- Senior services
- Services for people with handicaps
- Assistance for victims of crime and domestic violence

### **4. Tribal Contractors Are Responsible For Subcontractors Having Referral Information**

- Contractors are responsible for making sure that their Subcontractors have information to give to their clients. This may in the form of:
  - Handouts or pamphlets that lists the services and locations.
  - Pamphlets from each agency providing the above services that clients can take home with them.

# ALLOWABLE ACTIVITIES AND EXPENSES

## POL-3.1 Allowable Activities and Expenses

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

**1. Contractors Can Bill Only Allowable Activities and Expenses**

Contractors and Subcontractors are allowed to use state funds for administrative and operational expenses, including direct service expenses and equipment purchases of \$500 or less.

**2. Contractor Shall Not Be Reimbursed for Unallowable Expenses**

Funds awarded under the Contract shall not be used for:

- Activities not related to the food assistance program.
- Administrative expenses above the allowable ten percent of the Contract.
- Capital expenses for improvements or repairs over \$500.
- Payment of mortgages or leases with option to buy.

# ALLOWABLE ADMINISTRATIVE EXPENSES

## POL – 3.2 Allowable Administrative Activities and Expenses

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Contractors Shall Bill Only Allowable Activities and Expenses**

- Contractors, Subcontractors are allowed to use state funds for administrative activities. Administrative activities are of a general nature not clearly identifiable with a particular program.
- Administrative activities include: planning, budgeting, accounting, human resources and the establishment and implementation of the Contractor's goals, policies, and objectives.

### **2. Administrative Expenses Are Limited**

- Administrative expenses for Food Voucher Contractors are limited to 10 percent of the total contract award.
- Tribes with a federally approved indirect rate may use that rate to charge administrative costs. However, the total admin charged for the year may not exceed the allowable 10 percent of the yearly award amount.
- Subcontractors' administrative costs are also limited to ten percent of their subcontract amount.
- Total administrative costs for Tribal Contractors who also provide direct voucher services may not exceed 15 percent of the total contract award when adding the 10 percent admin as Contractor and the 10 percent admin of its tribe's allocation.
- Subcontracting tribes with a federally approved indirect rate may also use that rate to charge administrative costs. However, the total admin charged for the year may not go over 10 percent of their yearly subcontract amount.

### **3. Contractors And Subcontractors May Budget For Membership Dues**

- Up to one percent of EFAP funds may be budgeted as administrative costs for membership dues to organizations whose concerns address emergency food assistance, anti-hunger, nutrition and health issues.
- The membership dues will not be counted toward the maximum 10 percent allowed for administrative expenses.

### **4. Administrative Funds Returned Proportionate to Contract Budget**

Contractors returning unexpended funds to WSDA during the Contract period shall return administrative funds in an amount proportionate to the Contract budget unless administrative

# ALLOWABLE ADMINISTRATIVE EXPENSES

funds have already been transferred to another budget category during the course of the Contract.

5. **A Tribal or Non-profit Tribal Contractor May Charge Its Indirect Costs In The Appropriate Proportion To EFAP Administrative Expenses**

- The indirect charges may not exceed the ten percent of the Contract amount per year allowed for administrative costs.

6. **Administrative Expenses May Include the Following Costs**

- Salaries, wages and fringe benefits for administrative staff
- Office supplies and lease, rental and repairs of equipment
- Travel expenses for administrative staff
- Rental or lease of space
- Telephone, postage, mailing, printing, and copying
- Insurance and audit costs
- Minor building repairs or improvements up to \$500 per cost (**Note:** Major capital improvements are not allowed)

# ALLOWABLE OPERATIONAL EXPENSES

## POL – 3.3 Allowable Operational Activities and Expenses

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### 1. **Contractors Shall Bill Only Allowable Operational Activities and Expenses**

Operational activities and expenses are those activities clearly identifiable with providing direct services to clients.

- Operational costs may include:
  - Personnel costs – salaries, wages and fringe benefits for personnel who are actually performing duties related to client service, including networking and outreach activities.
  - Travel/Transportation – mileage expense related to direct provision of services.
  - Space Costs – rent or lease payments for facilities and costs of power, heat and water for space occupied by program staff.
  - Communication cost (telephone, mailing and printing) for direct program services.
  - Other operational costs, such as supplies and equipment directly related to providing services.
  - Note: EFAP is following the Uniform Guidance effective 12/26/14 that defines computer purchases costing under \$5,000 as operational costs.

### 2. **Operational Expenses Are Limited**

Operational costs for tribal food voucher Contractors and their Subcontractors are limited to five percent of their contract amount.

### 3. **Operational Expenses Returned Proportionally to Contract Budget**

Contractors returning unexpended funds to WSDA shall return operational funds in an amount proportionate to the Contract budget unless operational funds have been transferred to another budget category during the course of the Contract.

# VOUCHERS AND ALLOWABLE EXPENSES

## POL – 3.4 Vouchers and Allowable Expenses

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### 1. Voucher Expenses Definition

Voucher expenses are defined as the face value of the food vouchers issued to clients.

### 2. Purchase Essential Food and Nonfood Items Only

- Vouchers may be issued to clients to purchase **essential** food and nonfood items only.
- Tribes have the authority to choose whether or not they will allow purchases of essential nonfood items to be made with the EFAP funds.
- Tribes issuing vouchers may spend up to 10 percent of their allocation on essential nonfood items.
- Essential food purchases must come from the following main food groups as identified by USDA.
  - Meats – Such as turkey, chicken, fish, pork, and beef. Other foods in this group include beans, nuts and seeds.
  - Dairy – Such as milk, yogurt, cheese or non-dairy products like soy milk.
  - Vegetables – Such as fresh, frozen and canned. Beans also fall into this group, such as pinto, kidney, and black beans.
  - Fruits – Such as fresh, frozen, dried, canned, berries, and 100% fruit juice.
  - Grains – Such as whole grain cereals, breads, rice and pasta.
- Clients may purchase only nonfood items that are identified as essential. These items include: cleaning supplies, dental adhesive, deodorant, detergent, diapers, dish soap, facial tissue, feminine products, hand soap, paper towels, napkins, shampoo, shaving products, teeth/denture cleaner products, toilet paper and toothbrushes.
- Tribes may choose to set more strict policies on what essential foods and nonfood items can and cannot be purchased than the state dictates. Limitations on purchases must be identified in the tribe's Food Voucher Program policies.

### 3. Items That Cannot Be Purchased

Contractors shall not ask for reimbursement through the EFAP Tribal Voucher program for unallowable food items. These include items **such as**, but not limited to:

- Any kind of carbonated beverage or flavored sugared drinks such as soda, drinks in pouches, pre-made Kool-Aid or packets to make, punch drinks or 'ades', all flavored water,

# VOUCHERS AND ALLOWABLE EXPENSES

Gatorade, Sobe-type drinks, Powerade, pre-made teas, any energy drinks, on-the-go drink packets, all sports drinks.

- Any kind of “snack” foods such as candy, gum, cookies, crackers, granola, protein or energy bars, gummy type fruit snacks, popcorn, potato/corn/veggie chips, and beef jerky.
- Any kind of alcoholic beverages and liquor.
- Any kind of tobacco products and cigarettes.
- Any kind of desserts, such as ice cream, pies and cakes.
- Any kind of donuts, breakfast pastries and muffins.
- Any kinds of bottled water unless the family’s tap water is unfit to drink or the family is homeless.
- Pet food and pet supplies.
- Any nonfood items other than those listed as essential nonfood items in paragraph 2.

#### **4. Tribes Must Receive Original Store Receipts From Stores**

- Contractors must require that stores send the original store receipts back to the tribes with their billings.
- Tribes are to review purchases and deduct from their billings to WSDA any disallowed purchases.

# MATCH REQUIREMENTS

## POL – 3.5 Match Requirements for Tribal Voucher Program

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Minimum Match Requirement Is 35 Percent of the EFAP Contract Award**

- Tribal Contractors and subcontracting tribes must at least match 35 percent of their EFAP contract awards with funds from other sources.
- At least 50 percent of the minimum required match must be cash (hard match).
- The balance of the required match may be in-kind contributions (soft match).
- These requirements pertain to tribes that participate in the food pantry program, the food voucher program or both programs.

### **2. Contractors and Subcontractors Determine In-Kind Values**

In-kind contribution is the value that is placed on donated services, materials, equipment, food, and other, as determined by Contractor and Subcontractor. The determination is based on the following:

- Services/Labor – Identify the number of hours provided, and the hourly value ( to be determined by the tribe or agency, based on a fair market salary, minimum wage or WSDA's current suggested value of \$12.47 per hour). Calculate the total for each volunteer.
- Equipment/Supplies – Use the amount the donor has declared. If not available, estimate a fair market value.
- Transportation – Donated volunteer mileage is calculated at the current state rate. Use actual cost of donated transportation as declared from commercial carriers.

# APPLICATION PROCESS

## POL – 4.1 Application Process

**This policy applies to Tribal Contractors and Tribal Lead Contractors that use EFAP funds for a food voucher program.**

### **1. EFAP Contracts Cover a Two-Year Period**

EFAP Contracts shall begin the first day of the biennium, July 1, and end on the last day of the biennium, June 30.

### **2. The WSDA Distributes and Receives Applications**

The WSDA shall:

- Notify Contractors by email when applications and subcontracts are posted to the FAP website in the spring.
- Maintain a statewide mailing list of emergency food programs, including tribes.
- Accept Tribal Food Voucher, Tribal Food Pantry, and Combination Food Pantry – Food Voucher applications throughout the state from all tribes and tribal organizations that meet eligibility requirements.

### **3. The WSDA Computes the Allocation of Funds for Tribes**

The WSDA computes Tribal Food Voucher allocations to each tribe based on a formula determined by WSDA in consultation with the Food Assistance Program Advisory Committee. That formula, in general, will be computed as follows:

- An agreed-upon baseline to all tribes participating in the program.
- The remaining funds based on other agreed-upon criteria that measure need.

### **4. Specific Requirements Must Be Met in Applying for Funding**

- Tribes that are federally recognized and unrecognized tribes designated as 501(c) 3 nonprofit agencies may apply for the EFAP Food Voucher Program directly to WSDA or thru another tribe or nonprofit agency of their choice.
- Nonprofit agencies that are not tribes are not eligible to receive their own separate allocation from the available funds, but tribes (federally recognized and non-federally recognized tribes who are 501(c) 3 nonprofits) may designate a nonprofit agency that is not a tribe to apply to WSDA for funding and administer the Food Voucher program on their behalf. Such Contractors are considered “Tribal Lead Contractors” and may take up to 10percent of the funding of the represented tribes’ allocations for administrative costs and 5 percent of the represented tribe’s allocation for operational costs.

# APPLICATION PROCESS

- Tribes applying for both the food voucher and food bank programs must apply directly to WSDA and must be a federally recognized tribe.
- Unrecognized tribes applying for the food pantry program must apply through the county-based contractor designated for that county. Tribes choosing this option must call EFAP staff to get the name and contact information for that agency.
- Tribes receive the same allocation whether they participate in the voucher program, the food bank program or both programs.
- Applicants must complete all forms and follow all procedures established by the WSDA.
- Applicants must adhere to all application and contract timelines specified by the WSDA when applying for funding.
- Failure to do so may result in denial of the funding request.

# CRITERIA FOR TRIBAL CONTRACTORS

## POL – 4.2 Criteria for Prospective Tribal Contractors

This policy applies to Tribal Contractors that use EFAP funds for a food voucher program.

### 1. Contractors Must Meet the Following Criteria

- Be a federally recognized tribe **or** an unrecognized tribe with IRS 501(c) 3 status and registered with WA Secretary of State Office as a nonprofit agency.
- Or if selected by a tribe or tribes to be the Tribal Lead Contractor, they must be a federally recognized tribe or an organization with IRS 501(c) 3 status and registered with WA Secretary of State Office as a nonprofit organization.
- All Contractors who are direct services providers, both recognized and unrecognized tribes, must register with the 211 Statewide Telephone Information and Referral System within 30 days of the start date of the Contract, if not already registered.

NOTE: RCW 24.03.005: Not-for profit-corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

### 2. A Tribal Contractor Must Have Contracting Capabilities

- Have management capabilities to administer a contract with the WSDA.
- Have internal control and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds. (See Tribal Voucher Application, Assurance #6 for required insurance amounts.)
- Secure adequate fidelity insurance.
- Have public liability insurance to protect against legal liability arising out of services under the Contract. (See Tribal Applications, Assurances #3 & 4.)
- The Contractor shall name State of Washington, its officers, officials, agents and employees as an additional insureds.
- The Contractor shall submit copies of Current Liability and Fidelity Insurance Certifications within 30 days of contract execution to include **additional insured endorsement** attached to certificate. The following is acceptable proof of additional insured endorsements for a designated person or organization: an ISO Standard Endorsement CG 2026 or **equivalent**.
- WSDA will terminate the Contract if Contractor fails to timely secure and maintain insurance. In the alternative, WSDA may refuse to reimburse Contractor for any costs until Contractor submits evidence of insurance.
- Contractor shall indemnify, defend, and hold harmless and shall assure Subcontractors indemnify, defend, and hold harmless the Washington State Department of Agriculture, the State of Washington, its officers, employees and authorized agents from and against all claims or damages for injuries to persons or property or death arising from or incident to

# CRITERIA FOR TRIBAL CONTRACTORS

performance under the Contract. Contractors shall additionally assure that Subcontractors will similarly indemnify, defend, and hold harmless the Contractor.

- Have an annual single audit if it receives federal funds totaling \$750,000 or more per year from all sources, or undergo an independent financial audit once every two years if it receives \$100,000 or more per year in state funds from all sources and does not get an annual single audit completed. Audits must include a Schedule of State Financial Assistance.
- If applicable, complete the Single Audit Exemption Form (AGR FORM 609-2207) which must be sent to WSDA within 30 days after the close of the Contractor's fiscal year.
- Contractor must submit a copy of its most recent audit report including any management letters with documentation showing how any problems (questioned costs, management findings, or inadequate internal controls) revealed by the audit were resolved. Required single audits shall be submitted yearly. Required financial audits shall be submitted at least once every two years and must cover the previous two years.
- If Contractor is not required to and does not have completed a single audit or financial audit as described above, Contractor shall complete and submit an Accounting System Verification Form (AGR FORM 609-2206) signed by an independent Certified Public Accountant every two years.
- Forms listed above may be found on the FAP website at:  
<http://agr.wa.gov/FoodProg/Forms.aspx>

Contractor's audits are due to WSDA within 10 days of execution of the EFAP Contract if not already submitted.

### **3. All Contractors Shall Practice Nondiscrimination in Services and Employment**

- Contractors must practice nondiscrimination in the employment of individuals and the delivery of services in all programs of the organization. All have the right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability and this is recognized as and declared to be a civil right.
- Tribes agree to comply with all state and federal laws regarding discrimination to the extent that those laws are applicable to the tribes for the activities that the tribes carry out pursuant to the Contract.
- Nothing in the Contract constitutes or shall be construed as a waiver of the Contractor's sovereign immunity.

# CRITERIA FOR TRIBAL CONTRACTORS

## 4. Written Client Privacy Policy Required By All Contractors

- Must have and adhere to a written policy that personal information collected, used or acquired in connection with any state-funded program shall be used solely for the purpose of that program.
- Agrees not to release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons or programs outside of the Emergency Food Assistance Program clients' personal information without express written consent of the client or as provided by law.

## 5. Additional Criteria for Tribal Lead Contractors

- Must have management capabilities to administer Subcontracts with one or more tribes.
- Have written concurrence from each tribe with which it will Subcontract that the Subcontractor wishes the Tribal Lead Contractor to apply for EFAP funding on its behalf. Each tribe the Contractor represents must select the Tribal Lead Contractor.
- A Tribal Lead Contractor does not have to issue vouchers itself to be a Contractor.

## 6. Tribal Lead Contractors Must Enter Into Subcontracts

Tribal Lead Contractors must enter into Subcontract agreements with each tribe participating in EFAP. These subcontracts must include:

- Signed Face Sheet by both parties, which must include a budget.
- Completed matching funds worksheet.
- Evidence of adequate liability insurance.
- Proof of 501(c) 3 status if Subcontractor is not a recognized tribe.
- If applicable, an audit or Accounting System Verification, (AGR FORM 609-2206). (See Policy 4.2.2 for audit requirements.)
- Written client eligibility standards.
- Written client privacy policies and client release forms.

## 7. Contractors Shall not Have Been Debarred

- By signing the Contract, the Contractor certifies that the it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any Federal or State department or agency from participating in transactions.
- Contractor shall notify WSDA within thirty 30 days of any exclusion from participating in transactions.
- The Contractor agrees to include the above requirement in all subcontracts into which it enters to complete the Contract.

# CRITERIA FOR FOOD PANTRY SUBCONTRACTORS

## POL - 4.3 Criteria for Prospective Subcontractors

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Subcontracting Tribes Must Meet Criteria before Receiving EFAP Funding**

The Tribal Lead Contractor shall determine the eligibility of a new tribe prior to subcontracts being issued. Prior to receiving any funds for costs, a prospective tribal Subcontractor must:

- Be a recognized tribe, or a 501(c) 3 private nonprofit agency and be registered with the Secretary of State Office as a nonprofit.
- Coordinate emergency food services with similar programs administered by the federal government, Washington State, and other community organizations.
- Have information available for clients about other resources such as job training, mental health and substance abuse counseling, emergency housing, rental assistance, cash assistance, child care and energy assistance.
- Register with 211 Statewide Telephone Information and Referral System within 30 days of the start date of the contract.
- Practice nondiscrimination in all programs, services, and employment.
- Tribes agree to comply with all state and federal laws regarding discrimination to the extent that those laws are applicable to the tribes for the activities that the tribes carry out pursuant to the Contract. Nothing in the Contract constitutes or shall be construed as a waiver of the Contractor's sovereign immunity.
- If receiving a cash reimbursement subcontract, it must:
  - Have established internal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.
  - The tribe shall provide the Contractor with an annual single audit if it receives federal funds (including the dollar value of USDA TEFAP and CSFP foods) totaling \$750,000 or more per year from all sources, or an independent financial audit once every two years if it receives \$100,000 or more per year in state funds from all sources. If neither of those apply, they must provide the Contractor with a completed Accounting System Verification Form (AGR FORM 609-2206) if its subcontract is \$20,000 or more in EFAP funding per year.
  - If a Subcontractor receives federal funding, from any source, then Subcontractor must complete the Audit Requirement Form for Subcontractors (AGR FORM 609-2217). The form is to be sent to the Contractor within 10 days after the end of the Subcontractor's fiscal year.
- Must secure public liability insurance to protect against legal liability arising out of services provided under this contract that includes a comprehensive indemnification clause holding harmless the Contractor, the WSDA, the state of Washington, its officers,

# CRITERIA FOR FOOD PANTRY SUBCONTRACTORS

employees and authorized agents. (See Tribal Voucher Contract, General Terms and Conditions #23, Insurance; STOWW's Subcontract Application, Assurances #11 & SPIPA's Subcontract Application, Assurances #11.) If the Contractor so requires it, Subcontractor will co-insure the Contractor and provide the Contractor proof that it has done so. The following is considered acceptable for additional insured endorsements for a designated person or organization: An ISO Standard Endorsement CG 2026 or equivalent.

- The Contractor may require subcontractors to also carry fidelity insurance, though this is not required.
- Have written client privacy policies and provide a copy to the Contractor prior to receiving services or reimbursement.
- Agrees not to release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons the personal information without express written consent of the client or as provided by law.
- Use funds provided by the WSDA to operate only the Emergency Food Assistance Program designed to provide emergency food vouchers to individuals.
- Must match its EFAP funds with at least 35 percent in other funding. At least half of that match must be cash funding. The remaining match may be in-kind donations such as food vouchers, labor, and transportation.

## 2. **Subcontractors Shall not Have Been Debarred**

- By signing the Subcontract, the Subcontractor certifies that the it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any Federal or State department or agency from participating in transactions.
- The Subcontractor shall notify Contractor within 30 days of any exclusion from participating in transactions.

# PROGRAM ADMINISTRATION

## POL – 5.1 Contractor’s Program Management and Administration

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### 1. Contract Amounts Based on the Availability of Funds and Allocation Formula

- Contract awards are based on the amount of EFAP funds available and the allocation formula approved by the WSDA.
- If there is a reduction or increase in the amount of program funds available, the WSDA may reduce or increase the amount of a Contractor's original award.
- Legislative actions usually result in reductions or increases in the amount of funds budgeted to EFAP. However, there may be other causes prompting a change in funding.
- In the case of budget changes, the WSDA will send the Contractor a contract amendment specifying the amount of the reduction or increase.
- If the Contractor is a Lead Contractor, it must also send an amendment to all affected Subcontractors indicating their budget changes, where applicable.

### 2. Expenditures Are Limited by the Contract

Funds are allocated to each tribe by fiscal year. Expenditures are limited to the amounts on the contract face sheet for each fiscal year, even though contracts cover a two-year period.

- Funds not spent in the first year may not be carried over to the second year of the contract.
- Second year funds must not be spent in the first year.

### 3. EFAP Is A Reimbursement Program

Costs are reportable for the month in which the expenditures are incurred.

- Incurred is defined as when a Contractor or Subcontractor becomes liable for a cost, which is further defined as when the purchase is made or the services have been rendered.
- Subcontractors must provide Contractor with all backup documentation of costs incurred.
- In the case of reimbursement for salary, the month in which an employee worked in the emergency food program, as indicated by the employee’s time sheet is sufficient documentation for reimbursement.
- Contractor must reconcile monthly the costs they actually pay with what they billed WSDA if there is a discrepancy between the two.

# PROGRAM ADMINISTRATION

## **4. Tribal Lead Contractors Must Provide Subcontractors Program Information**

- Contractors must pass through program information that affects the management of EFAP to its Subcontractors. This includes information on new, modified, and ongoing policies and procedures.
- Leads must provide Subcontractors with a copy of EFAP's Policies and Procedures.
- Lead must offer technical assistance to help Subcontractors carry out their EFAP obligations.

## **5. Contractors Must Have Required Documentation for Subcontractors on File**

Must have on file prior to receiving reimbursements from EFAP or services supported by EFAP the following:

- Copies of client privacy policies for Subcontractors providing direct client services.
- Copies of client eligibility standards.
- Current insurance certificates.
- Copy of 501(c)3 status if not a recognized tribe..
- Copy of Washington Secretary of State Nonprofit Registration or Renewal if not a recognized tribe.
- The Accounting System Verification Form (AGR FORM 609-2206) or audit, if applicable and if receiving cash reimbursements.
- Within 30 days of the effective date of the Subcontract, proof the Subcontractor is registered with the state's 211 Statewide Telephone Information and Referral Network System.

## **6. WSDA May Require Contractor to Attend Meetings or Trainings**

Notification of required attendance at meetings with a Policy Memorandum will be sent by EFAP staff. These may include meetings for:

- Updating Contractor on policies or procedures.
- Providing information on changes in legislation affecting EFAP.
- Providing training that would result in better service to clients.

## **7. Contractors Must Enter Into Signed Agreements with Participating Merchants**

- Contractors shall have signed agreements with the merchants who will be accepting its vouchers prior to referring clients to those stores.
- Agreements must spell out what goods may be purchased with the vouchers, what foods are not allowed, and how the merchant will be reimbursed.

# EXPENDITURE AND DATA REPORTS

## POL – 5.2 Required Expenditure and Data Reports

**This procedure applies to Tribal Contractors, Tribal Lead Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Tribal Contractors Shall Choose to Submit Monthly Expenditure Reports Either Monthly or Quarterly to WSDA**

Tribal Contractors have the option to submit expenditure/data reports monthly or quarterly, which identifies the costs incurred for work performed the previous month or quarter and client data.

- All Contractors must identify the method of submitting the report, monthly or quarterly, during the application process.
- Once a Contractor selects a method it must use that method throughout the Contract period.
- A Contractor will not be allowed to change its method between monthly and quarterly during the Contract period unless WSDA identifies a need for changing the frequency.
- Those choosing to submit quarterly must still keep monthly records of expenditures and client data and submit each month's report individually for the quarter.
- Contractors with Subcontractors, at their own discretion, may offer this option to their Subcontractors.
- All Subcontractors under a single Contractor must agree to the same method to avoid the Contractor having to track expenditures at different intervals for individual Subcontractors.
- If the Subcontractors elect to bill quarterly, they must keep monthly records of expenditures and client data and submit each month's report individually for the quarter to their Contractor to summarize their expenditures and client data.
- Contractors compile that information and then must submit each month's report individually to WSDA for that quarter.

### **2. Tribal Contractors Must Submit Expenditure Reports to WSDA**

- These reports must include incurred costs, by budget category for both themselves and their Subcontractors, if any.
- The Contractor shall include with each expenditure report the EFAP detailed Expanded General Ledger indicating the EFAP costs charged each month by budget category in which they are charging costs.

# EXPENDITURE AND DATA REPORTS

- For costs incurred by the Contractor, the ledger must show each bill or cost paid within the report month, though not every item purchased within that billing should be listed.
- For Subcontractor's expenses, the Contractor shall include in the general ledger at least the aggregate amounts spent by all tribes by budget category as indicated in the Budget section of the Contract.
- WSDA staff may occasionally ask for backup documentation for charged expenditures.
- Contractors providing monthly reports must submit reports to WSDA by the 20<sup>th</sup> of each month following the month the costs were incurred.
- Contractors providing quarterly reports must submit reports to WSDA by the 20<sup>th</sup> of the month following the end of each calendar quarter. Those dates are:
  - By October 20<sup>th</sup>, the first quarter reports, which includes the three reports for the July, August and September reports.
  - By January 20<sup>th</sup>, the second quarter reports, which includes October, November, and December.
  - By April 20<sup>th</sup>, the third quarter reports, which includes January, February, and March.
  - By July 20<sup>th</sup>, the fourth quarter reports, which includes April, May and June.
  - Those choosing to submit quarterly must keep monthly records of expenditures and client data and submit each month's report individually for the quarter.
- WSDA may require that the last reports of the fiscal year, whether monthly or quarterly, be submitted earlier than July 20<sup>th</sup>.
- Subcontractors must submit monthly reports to their Contractor summarizing their expenditures charged to EFAP each month by the date indicated by the Contractor.
- Subcontractors must submit backup expenditure documentation for each cost to Contractors with all expenditure reports.

### 3. **Contractors Must Submit Demographic Information to WSDA**

- All Contractors must submit reports to WSDA summarizing the client information. This includes the number of households and of individual clients served each month, new (unduplicated) and returning (duplicate) count, by age group.
- Tribal Contractors must submit monthly or quarterly demographic information, depending on the report schedule they have chosen
- Subcontractors must submit monthly or quarterly demographic information to their Contractor summarizing the number of households and individual clients served each month, new and returning by age group.

# EXPENDITURE AND DATA REPORTS

## 4. Close-Out Report Required

- The Contractor must submit Closeout reports after the close of each fiscal year as required by the WSDA, during the transfer of obligations to another Contractor, or upon termination of the Contract for any reason.
- The final closeout report shall accurately reflect the work completed, the funds expended by the Contractor during the Contract period, the demographics required by WSDA and the reporting of the required match.
- Typically this report is due 45 days after the end of the fiscal year.
- Instructions and forms may be downloaded from the FAP website at <http://agr.wa.gov/FoodProg/Forms.aspx>.

## 5. The WSDA Issues The Forms Required For Submitting Reports By Contractors

- WSDA will develop the forms on which Contractors will report their expenditure and demographic information.
- Contractors may use the form they fill out for WSDA for their Subcontractors or create their own Subcontractor report form.
- Instructions and forms may be downloaded from the FAP website at <http://agr.wa.gov/FoodProg/Forms.aspx>.

## 6. Failure to Submit Expenditure and Data Reports

The WSDA may recapture unclaimed funds if Contractor does not submit expenditure and data reports in a timely manner.

- For monthly billers, if the Contractor fails to file an expenditure and data report within any two consecutive month period, the WSDA may elect to terminate the Contract.
- For quarterly billers, if the Contractor fails to file the three monthly expenditure and data reports for the quarter within 30 days of the end of the quarter, the WSDA may elect to terminate the Contract.
- Contractor may recapture unclaimed funds or terminate the subcontract with Subcontractor based on the same criteria.

## 7. Required Reports and Schedule of Submittals

Unless otherwise expressly required by a provision the Contract, Contractor shall adhere to the following schedule for reporting:

# EXPENDITURE AND DATA REPORTS

Due Date	EFAP REPORT
20 <sup>th</sup> of the month following provision of services	Nontribal & Tribal monthly reporting Contractors – <ul style="list-style-type: none"> <li>• Monthly Invoice / Request for Reimbursement</li> <li>• Demographics – new and returning clients by age group and pounds of food data.</li> </ul>
The 20 <sup>th</sup> of the month following the quarter for the provision of services: October 20, January 20, April 20 and July 20.	Tribal Only, quarterly reporting Contractors <ul style="list-style-type: none"> <li>• Quarterly Invoice / Request for Reimbursement</li> <li>• Demographics – new and returning clients by age group and pounds of food data.</li> </ul>
Forty-five days after the close of the fiscal year.	All Food Pantry & Tribal Contractors and Subcontractors – <ul style="list-style-type: none"> <li>• Emergency Food Assistance Closeout Report</li> </ul>
Upon request or as needed	<ul style="list-style-type: none"> <li>• Subcontracts</li> <li>• Other reports &amp; data as requested</li> </ul>
Annually, 9 months following end of Contractor’s fiscal year	<ul style="list-style-type: none"> <li>• Single Audit Report, if applicable</li> <li>• Financial Audit, if applicable and if Contractor is conducting an annual audit.</li> </ul>
Every two years, 9 months following the end of Contractor’s fiscal year	<ul style="list-style-type: none"> <li>• Financial Audit or Accounting System Verification Form, if applicable</li> </ul>
Within 30 days of contract execution and thereafter upon each renewal.	<ul style="list-style-type: none"> <li>• Insurance Certificates</li> </ul>

Forms listed above may be downloaded from the FAP website at <http://agr.wa.gov/FoodProg/Forms.aspx>.

# WRITTEN CLIENT PRIVACY REQUIREMENTS

## POL 5.3– Written Client Privacy Standards Requirements

**This policy applies to all Tribal Contractors, Tribal Lead Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. Contractors and Subcontractors Must Have Written Client Privacy Standards**

All providers must respect the privacy of clients. Personal information collected, used or acquired in connection with providing emergency food services must be used only for the purpose of those programs.

- **Personal information** includes any information that identifies an individual's health, education, business, use or receipt of governmental services, names, addresses, age, telephone numbers, social security numbers, driver's license numbers and finances including financial profiles, credit card numbers or other identifying numbers.
- Contractors and Subcontractors with direct client contact must have written client privacy policies on file.
  - Prior to receiving services or reimbursement, Subcontractors must have on file with the Contractor copies of their client privacy policies.
- One cannot release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons the personal information without express written consent of the client or as provided by law.
- Providers who make referrals for clients must have a copy of the client release form on file with the Contractor.
- Written consent from the client shall include what client information can be shared and to whom or which agencies/businesses. For a sample client release form, please refer to the Biennial EFAP Application Handbook (AGR 609-457) located on the FAP website at <http://agr.wa.gov/FoodProg/Forms.aspx>.
- Providers agree to implement physical, electronic and managerial safeguards to prevent unauthorized access to personal information.

### **2. Monitoring by WSDA of Personal Information Collected**

- WSDA reserves the right to monitor, audit or investigate the use of personal information collected, used or acquired by the Contractor. Not properly maintaining clients' private information could result in termination of contract or subcontract.
- Contractor shall agree to indemnify and hold harmless WSDA for any damages related to the Contractor's unauthorized use of personal information.
- Contractors shall monitor the use of personal information collected by Subcontractors.
- Subcontractors shall agree to indemnify and hold harmless the Contractor for any damages related to the Subcontractor's unauthorized use of personal information.

# CONTRACTOR RESPONSIBILITIES

## POL – 5.4 Contractor Responsibilities

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

1. **Contractors with Subcontractors Must Take Action to Correct Subcontractors' Performance**
  - Contractor shall take action to correct any Subcontractor noncompliance in conformance with the Program Requirements for each Program under which the Subcontractor receives food or funds.
  - Contractors may give a Subcontractor a specific period of time to comply and shall follow the process for suspending or terminating a Subcontractor as outlined in Paragraph 21 of the STOWW Subcontract and Paragraph 23 of the SPIPA Subcontract when a Subcontractor does not comply within that given timeframe.
  
2. **Contractors Shall Conduct Program Reviews of Subcontractors' Performance**
  - Contractors shall review Subcontractors' activities to assure they are following WSDA policies. This includes:
    - Verifying that Subcontractor meet all criteria listed in **Policy 4.3**.
    - Verifying all EFAP expenditures are appropriate and reported monthly, and that other applicable policies are followed.
  - Contractors shall conduct program reviews of Subcontractors at least once per contract period (once every other year).
  - Contractors shall produce a written report summarizing their program review visits with any corrective action needed.
  - Contractors shall follow up on any findings and make a notation in the Subcontractor's file of corrective action.
  
3. **Contractors May Reallocate Funds Among Food Pantries Within a County.**
  - A Tribal Lead Contractor may reallocate funds among its subcontracting tribes if it can adequately provide WSDA with documentation of the change in need.
  - All tribes involved in the transfer of funds must approve of the transfer with the exception of termination of a tribe for noncompliance or nonperformance and that tribe's remaining funds are being reallocated.
  - The Contractor must notify WSDA in writing, explain the reason for the reallocation, and provide verification that the parties involved were in agreement.

## POL – 6.1 WSDA Program Management and Administration

**This policy applies to the WSDA staff when carrying out the duties and responsibilities of the Emergency Food Assistance Program.**

### **1. The WSDA Staff Shall Monitor Contracts**

WSDA staff shall conduct monitoring of Contractors by evaluating monthly submitted expenditure reports and responses to other requests that includes program reviews on-site or by a desk program review. At any time, the WSDA may request a Contractor to send in any and all supporting documentation for expenditures.

- WSDA staff will generally conduct program reviews every four years with Contractors who are performing at an adequate level.
- Contractors that have serious performance issues will have a program review more often if warranted.
- Program reviews can be either on-site or by a desk review.
- Contractors with EFAP budgets of less than \$20,000 per year will receive desk reviews unless there are serious performance issues.
- If a Contractor violates any of the more critical conditions set forth in the contract, WSDA staff may conduct a site visit to investigate the violation.

### **2. On-Site Program Reviews**

- WSDA staff will try to schedule site visits at least two weeks prior to the visit by sending a written notice to the program and fiscal staff who will be involved in the visit. Written notice may also be sent to the director.
- Documentation may be requested ahead of time for review in the office by WSDA staff or be reviewed on site.
- WSDA Staff will perform an exit interview at the end of the visit where findings, exemplary performance and other concerns will be reviewed and recommendations for change and improvements made to the Contractor, preferably with the director and program staff.
- Within 30 days of the visit, staff will prepare a formal written report with the results and recommendations consistent with the oral exit interview discussion. A copy of the report will be sent to the Contractor's executive director or tribal chairperson with a copy to program and fiscal staff. The WSDA will keep a copy of the report on file.
- If necessary, staff will develop an action plan with the Contractor, including due dates of responses to ensure that identified problems are addressed in a timely and appropriate manner.

### 3. Desk Program Reviews

- The WSDA staff will request Contractors to submit documentation for review. The review will be done at the desk of the staff responsible for the Contract.
- Staff will review the submitted documentation for contract compliance, allowable activities and expenses. WSDA staff will communicate with Contractor's staff should questions or clarifications be necessary.
- Within 30 days of completing the desk review, staff will prepare a formal written report with the results and recommendations of the review. A copy of the report will be sent to the Contractor's executive director or tribal chairperson with a copy to the program and fiscal staff. The WSDA keeps a copy of the report on file.
- If necessary, WSDA staff will develop an action plan, including due dates of responses, with the Contractor to ensure that identified findings are addressed in a timely and appropriate manner.

### 4. WSDA Staff Shall Offer Technical Assistance to Contractor

WSDA staff shall offer technical assistance to Contractor when needed. This includes information on program-related policies and procedures, helping to identify other resources, offering information on best practices and assistance with fiscal issues. When necessary, staff will conduct an on-site visit to provide this service.

## POL – 6.2 Contract Compliance

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

### **1. WSDA May Recapture and Reallocate Contract Funds**

The WSDA reviews the Contractor's level of actual performance over the course of the Contract and after nine months of each fiscal year.

If Contractors fail to achieve 65 percent of their yearly performance goals (expenditures and activities) stated on the Contract face sheet by March 31, the WSDA may reduce funds available based on actual performance and negotiation between the WSDA and the Contractor.

- Contractors may also reallocate funds from one of its subcontracting food pantries to another, with the WSDA's permission, if a Subcontractor does not claim, or only partially spends, its portion of the allocated funds.
- The WSDA may recapture unclaimed funds if a Contractor does not submit expenditure reports in a timely manner.
  - For monthly billers, if the Contractor fails to file an expenditure report within any two consecutive month period, the WSDA may elect to terminate the Contract.
  - For quarterly billers, if the Contractor fails to file the three monthly expenditure reports for the quarter within 30 days of the end of the quarter, the WSDA may elect to terminate the Contract.
- Contractors may recapture unclaimed funds or terminate the subcontract with Subcontractors based on the same criteria.

### **2. Either Party May Terminate The Contract**

Either party may terminate Contract in whole or in part upon thirty 30 days written notice, regardless of whether termination is for cause or at will.

### **3. WSDA May Suspend or Terminate Contractor Funds**

- If WSDA determines to terminate because of Contractor's failure to comply with the Contract (termination for cause), WSDA may provide notice and offer Contractor the opportunity to correct the noncompliance. The notice will provide a time by which the Contractor must return to compliance.
- If Contractor fails to correct the noncompliance within the time WSDA allows, WSDA may then immediately terminate the Contract.

# CONTRACT COMPLIANCE

- If WSDA terminates the Contract for cause, Contractor may request a dispute review as provided under Paragraph 18, Disputes, of the General Terms and Conditions of the Contract.
- As an alternative to termination, WSDA may suspend the Contract in whole or in part, effective upon Contractor's receipt of notice of suspension.
- If WSDA suspends the Contract because of Contractor's failure to comply with the Contract, WSDA may provide opportunity for Contractor to correct the noncompliance during the period of suspension.
- WSDA will not pay any costs associated with suspended work from the time Contractor receives notice of suspension until the time Contractor receives notice from WSDA to resume work.
- WSDA may terminate Contract at any time during a period of suspension.
- Action to suspend or terminate funding will be taken if repeated communication with the agency's governing board fails to produce corrective action.
- WSDA shall follow the process for suspension and termination as provided in Paragraph 47, sections 47.3 through 47.5 of the Contract.
- Contractor shall refund WSDA for any misuse or loss of funds or food received by Contractor under the Contract, regardless of whether Contractor has further distributed the funds or food.

#### **4. Contractors May Suspend or Terminate Subcontractors Funds**

Lead Contractors may suspend or terminate funding to Subcontracting tribes according to the above criteria and their corrective action policy. The Contractor must notify the WSDA prior to taking any corrective action.

# DISPUTE POLICY FOR CONTRACTORS

## POL – 7.1 Dispute Policy For Contractors

**This policy applies to Tribal Contractor that use EFAP funds for a food voucher program s.**

When a dispute arises between the Parties that cannot be resolved by direct negotiation, either party may request review by WSDA's Director, who may designate another neutral person to hear the dispute, as follows:

### **1. Disputing a WSDA Food Assistance Programs' (FAP) Decision**

- Contractors may appeal to WSDA any substantive decision of FAP to deny, award, recapture, reallocate, suspend or terminate funds that is believed to be to be unfair, unreasonable, or have a major adverse impact on local delivery of services.
- FAP must provide Contractors with a copy of the dispute policy prior to or with any substantive decision.
- Any decision of FAP to deny, award, recapture, reallocate, suspend or terminate funds will stand until the dispute review process is completed and will only be modified or reversed as a result of the dispute review process.

### **2. The Contractor Dispute Review Process**

- The request must:
  - Be written,
  - Identify the Contractor's name, address and the Contract number (if one),
  - State the disputed issues,
  - State each Party's position,
  - Be mailed to the Director, with a copy to the other Party's representative ("respondent") within fifteen 15 working days after the Parties agree that they cannot resolve the issue.
- The respondent shall submit a written answer to the request to both the Director or the Director's designee and the requestor within ten 10 working days.
- The Director or Director's designee shall review the written statements and provide a decision in writing to both Parties within fifteen 15 working days.
- At the discretion of the Director or Director's designee, the time in which to make a decision may be extended upon notice to both Parties.
- The decision of the Director or the Director's designee shall be the final agency decision.
- The Parties shall attempt to resolve the dispute under this policy and as in the Contract, Paragraph 14 before filing a claim in any tribunal.

# DISPUTE POLICY FOR SUBCONTRACTORS

## POL – 7.2 Dispute Policy for Subcontractors

**This policy applies to Tribal Contractors and Tribal Subcontractors that use EFAP funds for a food voucher program.**

When a dispute arises between the Contractor and a Subcontractor that cannot be resolved by direct negotiation, either party may request a review of the decision.

**1. The Contractor Shall Establish a Dispute Process**

The Contractor shall establish a process similar to that between WSDA and the Contractor in Policy 7.1 for when disputes arise between the Contractor and a Subcontractor. The Contractor shall have its dispute process completed no later than 30 days after execution of the Subcontract.

**2. The Contractor must provide this dispute process in writing to all Subcontractors**

The Contractor shall provide a copy of the dispute process to all Subcontractors at the beginning of each new contract period.

# FAP FORMS AND PUBLICATIONS

## Food Assistance Programs Forms & Publications

Available for download on the Food Assistance Programs Website at:

<http://agr.wa.gov/FoodProg/Forms.aspx>.

### Accounting / Audit Forms:

- Accounting System Verification Form (AGR FORM 609-2206)
- Food Assistance Programs Single Audit Exemption Form (AGR FORM 609-2207)
- Food Assistance Programs Audit Requirement Form For Subcontractors (AGR FORM 609-2217)

### EFAP Invoice Templates:

- EFAP Lead Contractor Invoice Template (AGR FORM 609-2229)
- EFAP Subcontractor Invoice Template – Electronic formulas(AGR FORM 609-2226A)
- EFAP Subcontractor Invoice Template – Fill in by hand – no formulas (AGR FORM 609-2226B)

### Equipment Guidelines and Forms:

- Equipment Procurement Requirements and Guidelines (Publication No. 609-454)
- FAP Equipment Purchase Request / Approval Form (AGR FORM 609-2204)
- FAP Equipment Disposition Requirements (Publication No. 609-2204)
- FAP Equipment Disposal Request / Approval Form (AGR FORM 609-2203)

### EFAP Application Documents:

- Biennial EFAP Application Handbook (Publication No. AGR 609-457)
- EFAP 2015-2017 Biennial Application (AGR FORM 609-2205)
- EFAP Allocation Table (AGR PUB 609-459)
- Required EFAP Biennial Meeting Handout (Publication No. 609-460)

### EFAP Tribal Food Pantry Application Documents:

- EFAP Tribal Food Pantry Application (AGR FORM 609-2211)
- EFAP Tribal Allocations (AGR PUB 609-470)

### EFAP Food Pantry Closeout Documents:

- EFAP Lead Contractor Close-Out Report Instructions (AGR PUB 609-471)
- EFAP Lead Contractor Close-Out Report (AGR FORM 609-2220)
- EFAP Food Bank Subcontractor Close-Out Report Instructions (AGR PUB 609-472)
- EFAP Food Bank Subcontractor Close-Out Report (AGR FORM 609-2218)
- EFAP Food Pantry Subcontractor Close-Out Report Instructions (AGR PUB 609-473)
- EFAP Food Pantry Subcontractor Close-Out Report (AGR FORM 609-2219)

### EFAP Tribal Food Pantry Closeout Documents:

- EFAP Tribal Food Pantry Program Close-Out Report Instructions (AGR PUB 609-475)

# FAP FORMS AND PUBLICATIONS

- EFAP Tribal Food Pantry Program Close-Out Report (AGR FORM 609-2221)

Available for download on the Food Assistance Programs Website at:  
<http://agr.wa.gov/FoodProg/ContractsAttachments.aspx>.

## EFAP Subcontract Templates:

- EFAP Food Bank Subcontract (AGR FORM 609-2209)
- EFAP Food Pantry Subcontract (AGR FORM 609-2208)

Available for download on the Food Assistance Programs Website at:  
<http://agr.wa.gov/FoodProg/HelpfulInformation.aspx>.

## FAP Contractor Information:

- WSDA Regional Representative Listing by Lead Contractor (AGR PUB 609-464)
- Food Assistance Programs Regional Representative Map (AGR PUB 609-449)

## Helpful Links:

- [IRS Exempt Organizations Listing](#)
- [Secretary Of State](#)
- [System For Award Management \(SAM\)](#)
- [DUNS Number](#)
- [Ecotrust Food Hub](#)
- [Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards](#)