SECTION 2: EFAP ADMINISTRATION
Definitions

**Acquisition Cost** – Acquisition cost means the cost of the equipment including modifications, attachments, and ancillary charges.

**Administrative Expenses** – Salaries, wages, supplies, and general expenses, including membership dues, including direct and indirect.

**Agency Indirect** – Those expenses that cannot be readily identified with a particular program.

**Ancillary Charges** – Ancillary charges such as taxes, duty, transit insurance, freight, and installation may be included in or excluded from the acquisition cost in accordance with your agency’s accounting practices.

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

**Authorized Representative** – For WSDA, means the WSDA designee authorized in writing to act on the director’s behalf; for the contractor means the Authorized Signer.

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

**Capital Assets** – Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

a. Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and

b. Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

**Capital Expenditures** – Expenditures to acquire capital assets or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.

**Client** – A person who self-declares they are in need of food, and are not able to purchase enough food for their subsistence.

**Commodities** – For the purpose of this manual, means food used in food assistance programs.

**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** – The eligible association, or organization that entered into a contract with the WSDA Food Assistance to provide emergency food assistance within a county or multi-county region. Some funds administered in EFAP may be federal rather than state, in which case the term “contractor” used in Food Assistance program guidance, is the same as the term “subrecipient” as defined in federal grant language.
**DEFINITIONS**

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

**Current Fair Market Value** – The value of equipment and supplies determined by selling them in a competitive market or by researching advertised prices for similar items on the used market. The current fair market value should be determined at the time the equipment and supplies are no longer needed by the contractor or subcontractor for EFAP operations regardless of when actual disposition takes place. Contractor or subcontractor must research the current fair market value and provide a recommendation to WSDA. WSDA must approve the recommended value.

**Desk Program Review** – Conducting a program review of the contractor’s performance by requesting documentation to be sent to 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.

**Direct Client Services** – Conducting programming that has direct contact with clients and could include food distribution to clients and/or collecting client information for the purpose of the client intake.

**Emergency Food Assistance Program (EFAP)** – The Emergency Food Assistance Program provides State General Funds to help support food pantries and is subject to WAC 16-740.

**Emergency Food Assistance Program (EFAP) - Tribal** - The Emergency Food Assistance Program provides State General Funds to help support tribal food pantry and voucher programs and is 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** – Equipment means tangible personal property (including information technology systems) that has a useful life of more than one year, is movable, and has a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or $5,000.

**Food Assistance (FA)** – Washington State Department of Agriculture’s (WSDA) Food Assistance (FA) programs.

**Food Assistance Advisory Committee** – Is part of the Washington Food Coalition and makes recommendations to Food Assistance for program and policy improvements.

**Food Bank** – An organization that collects, warehouses, and distributes food, edible commodities or other product to food pantries, meal programs, and other hunger relief organizations on a regional, county, or statewide basis. For EFAP, this means the food bank(s) that is selected by food pantries to serve in that role which provides this service to participating EFAP food pantries.

**Food Pantry** – For the purposes of this manual, the term food pantry refers to an eligible emergency food assistance program subcontractor site which distributes unprepared food without charge to its clients. The organization must provide direct client services, food storage, and distribution with consistency.
**Full Service Clients** – Clients who receive food bags with at least three of any of the five main food groups as identified by USDA.

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

**Interested party** – Any agency wishing to be considered for EFAP contractor food pantry or food bank.

**Maintenance and Repair Costs** - Costs incurred for utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and equipment (including federal property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. These costs are only allowable to the extent not paid through rental or other agreements.

**Mobile Food Pantry** – A mobile pantry or mobile food bank serves clients in areas of high need in an effort to supplement hungry families with nutritious food. Through a mobile pantry or mobile food bank, food is distributed to clients in pre-packed boxes or through a client choice method where clients choose to take what they need.

**Modified Total Direct Cost (MTDC)** – Means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward. MTDC excludes equipment, capital expenditures, rental costs, and the portion of each subaward in excess of $25,000.

**New Client (Unduplicated)** – 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 and that holds a current tax exempt status or is specifically exempted from the requirement to apply. 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 clients or distribution services to food pantries.

**Participating Food Pantry** – 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.

**Real Property** – Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

**RCW** – Revised Code of Washington.
**Returning Client (Duplicated)** – A client served by an emergency food provider during the reporting period who has been previously served during the current fiscal year.

**Sealed Bid** – Bids are publically solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for the bids, is the lowest in price.

**Single Audit** – An organization-wide audit of an entity that expends $750,000 or more of federal assistance (funds, grants, awards) as required by federal Chapter 2 Part 200, Uniform Administrative Requirement

**Special Dietary Needs** – Funds to purchase food that meets the nutritional needs of special populations. Special needs populations may include infants under one year of age, children with disabilities, pregnant and lactating women, people with chronic diseases such as cancer and diabetes, people with acquired immune deficiency syndrome, people with lactose intolerance, people with chewing difficulties, alcoholics, intravenous drug users, and people with cultural food preferences. For reporting purposes, an SDN client is defined as one who has been given a food bag designed to meet his/her special nutritional needs.

**State** – State of Washington.

**Subcontractor** – Any association, tribe or organization that, by subcontract or written agreement with the contractor, is performing all or part of the services under the contractor’s agreement with WSDA, as an EFAP food pantry or food bank. The term does not include the contractor’s employees. The term includes any subcontractor in any tier.

**Supplemental Clients** – Clients who receive only items that are comprised of fewer than three of the five food groups (e.g. a loaf of bread and some potatoes).

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

**WAC** – Washington Administrative Code.

**Washington Food Coalition (WFC)** – A nonprofit organization that advocates for the emergency food system and provides education and training to a statewide membership of food banks, food pantries, meal programs, state agencies and other partners. WFC also houses the FA Advisory Committee, which acts as an advisory body to FA.

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

This policy applies to all organizations that use EFAP funds for a food pantry.

1. **Nontribal contractors must be a not-for-profit corporation.**
   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.
   - Must be currently registered with the Secretary of State Office in Washington as a not-for-profit/nonprofit agency/corporation.
   - Must have had IRS 501(c)(3) nonprofit status for at least one year prior to the beginning date of the contract date.

2. **Direct service contractors must register with 211.**
   - Contractors that provide direct services must register with 211 Statewide Telephone Information and Referral System within 30 days of the start date of the contract.

3. **Contractors do not have to provide emergency food services.**
   - While supporting access to emergency food services in their area, contractors do not have to provide direct client services.

4. **Tribal food pantry contractors must be a federally recognized tribe.**
   - Only a federally recognized tribe may apply directly to the State for food pantry funding. A federally recognized tribe may choose to apply for funding either directly with WSDA or through the county-based contractor.
   - If a tribe applying for food pantry funding is not a recognized tribe, it must apply for food pantry funds under the county-based contractor, must have been a nonprofit 501(c)(3) for at least a year and must be registered with the Secretary of State’s office as a nonprofit agency/corporation.

5. **All contractors must have contracting capabilities.**
   - Have management capabilities to administer the contract with the WSDA.
   - Have internal control and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds.
   - Secure adequate fidelity insurance.
   - Have public liability insurance to protect against legal liability arising out of services under the contract.
   - All public or general liability, excess, umbrella, and property insurance policies shall name the State of Washington, Washington State Department of Agriculture (WSDA), its elected and appointed officials, agents and employees as additional insured’s.
   - Submit copies of contractor current liability and fidelity insurance certifications within 30 days of contract execution to include the additional insured endorsement attached to certificate. The
following is considered acceptable for additional insured endorsements for a designated person or organization: An ISO Standard Endorsement CG 2026 or equivalent. (Contractors shall keep copies of subcontractors’ certifications on file).

- 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 performance under the contract. Contractors shall additionally ensure their subcontractors will similarly indemnify, defend, and hold harmless the contractor.

- 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 allowable costs until contractor submits evidence of insurance.

- 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-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 a completed single audit or financial audit as described above, contractor shall complete and submit an Accounting System Verification Form (AGR-2206) signed by an independent Certified Public Accountant every two years.

- Contractor’s audits are due to WSDA within 10 days of execution of the contract if not already submitted.

Forms listed above are located on the FA Forms and Publications webpage.

6. **Contractors must enter into subcontracts.**

Nontribal contractors must enter into subcontract agreements with each food pantry (including their own if they provide direct client services) participating in EFAP in its service area prior to providing them with food and or funding and have on file. These subcontracts on file must each include:

- Signed face sheet by both parties, which must include a budget if funds are allocated to the food pantries.

- Completed matching funds worksheet.

- Evidence of adequate liability insurance. The contractor may require the subcontractors to co-insure the contractor if it so wishes.

- Proof of 501(c)(3) status or that it is a recognized tribe.

- Subcontractors must submit an Audit Requirement Form for Subcontractors (AGR-2217).
• If applicable, an audit or Accounting System Verification Form (AGR-2206).
• Written client eligibility standards.
• Written client confidentiality policies and client release forms.

7. 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.
     o Nothing in the contract shall interfere with, or be construed as interfering with, tribes’ employment and contracting processes regarding Tribal and Indian preference as allowed by law.

8. Contractors shall not have been suspended or debarred.
   • By signing the contract, the contractor certifies that 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 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.

9. Contractor shall be registered in the System For Award Management (SAM).
   • Contractor must have a DUNS number and continue to maintain an active SAM registration with current information at all times during which it receives federal funding.
Eligibility Criteria for Food Bank Subcontractors

This policy applies to food bank subcontractors.

1. **Food banks must meet criteria before receiving EFAP funding.**
   - Must be a public agency or a private nonprofit with 501(c)(3) status and registered with WA Secretary of State as a nonprofit agency/corporation.
   - Must be in operation as a food bank for at least one year prior to receiving funds from the WSDA.
   - Must have the ability to generate resources and food in volume for distribution.
   - Must be able to provide adequate storage relative to the quantities needed to meet the demands of your service area.

2. **Food banks must have contracting capabilities.**
   - Have established internal controls and fund accounting procedures to assure proper disbursement of, and accounting for, all funds provided, and must have adequate fidelity insurance.
   - 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-2206) if its subcontract is $20,000 or more in EFAP funding per year.
   - A subcontractor must complete the Audit Requirement Form for Subcontractors (AGR-2217). The form is to be sent to the contractor within 10 days after the end of the subcontractor’s fiscal year.
   - Will 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.

3. **Food banks must secure insurance.**
   - Food banks must secure public liability insurance to protect against legal liability arising out of services provided under this contract and liability on vehicles used for business purposes. (See Insurance section of the Food Bank Subcontract, Terms and Conditions for details on required amounts.) If the contractor so requires it, subcontractor food banks 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.
   - Must secure adequate fidelity insurance. (See Insurance section of the Food Bank Subcontract, Terms and Conditions for details on required amounts.)
• Must include a comprehensive indemnification clause holding harmless the contractor, the WSDA, the state of Washington, its officers, employees and authorized agents.

4. **Subcontractors shall not have been suspended or debarred.**
   • By signing the subcontract, the subcontractor certifies that 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.
   • Subcontractor shall notify the contractor within 30 days of any exclusion from participating in transactions.

5. **Subcontractors must at a minimum have a federal Data Universal Numbering System (DUNS) number.**
   • To create a DUNS number, visit: fedgov.dnb.com/webform/.
   • Registration in the Federal System for Award Management (SAM) may be required.
Eligibility Criteria for Food Pantry Subcontractors

**This policy applies to food pantry subcontractors.**

1. **Subcontractors must meet criteria before receiving EFAP funding.**
   The contractor shall determine the eligibility of a new food pantry, including tribes, prior to subcontracts being issued. This should occur before the meeting at which the new contractor is selected and allocation of EFAP funds is decided.

   Subcontractors must:
   - Be currently registered as a nonprofit agency/corporation with the Secretary of State Office in Washington.
   - Be a food pantry for at least one year prior to the start of the contract.
     - The food pantry has been distributing food, engaging in client data collection practices, and has had set hours of operation for the duration of the year.
     - This does not mean organizations that have primarily been distributing pre-packed food boxes only during the COVID-19 pandemic. If the organization has a set physical location, food storage capabilities, client intake systems, and a regular distribution schedule, then they may be considered to have been in operation as a food pantry during that time.
   - Be a public agency, a recognized tribe, or a 501(c)(3) nonprofit agency.
   - If a nonprofit agency, have had IRS 501(c)(3) nonprofit status for at least one year prior to the beginning date of the subcontract date.

2. **Subcontractors must coordinate services and adhere to other EFAP policies.**
   Subcontractors must:
   - 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, childcare and energy assistance.
   - Have a written client confidentiality policy and provide a copy to the contractor prior to receiving services or reimbursement.
   - Make reasonable effort to secure the services of volunteers and work training participants to supplement paid labor.
   - Register with 211 Statewide Telephone Information and Referral System within 30 days of the start date of the subcontract.
   - Obtain a DUNS number.

3. **Subcontractors must have written client eligibility standards.**
   - Must clearly identify client eligibility standards, such as: preferred service area boundaries, number of times a client may access services in a month or year, 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.
• WSDA can request copies of standards.

4. **Subcontractors must practice nondiscrimination.**
The policy of the WSDA Food Assistance 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
- 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 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:

- They must treat all clients with dignity.
- They shall not require, request or accept payment or donations from clients for food received.
- They shall not practice evangelism or proselytize, request or require clients to participate in any kind of religious service as condition for receiving emergency food.
- 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 food. Food pantry activities must be totally separate from any religious activities.
• They may have religious literature on a table or counter that clients may voluntarily take separate from any food pantry items received.

5. **Subcontractors must secure public liability insurance.**

• Subcontractors must secure public liability insurance to protect against legal liability arising out of services provided under the subcontract and liability on vehicles used for business purposes that includes a comprehensive indemnification clause holding harmless the contractor, the WSDA, the state of Washington, its officers, employees and authorized agents. If the contractor so requires it, food pantry 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 food pantry subcontractors to also carry fidelity insurance, though this is not required.

6. **Subcontractors receiving cash must:**

• Have established internal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

• Must at a minimum have a Data Universal Numbering System (DUNS) number. Registration in the federal System for Award Management (SAM) may be required. To create a DUNS number, visit: fedgov.dnb.com/webform/

• Provide the contractor with an annual single audit if it receives federal funds (including the dollar value of USDA TEFAP, TMP, 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-2206) if its subcontract is $20,000 or more in EFAP funding per year.

• A subcontractor must complete the Audit Requirement Form for Subcontractors (AGR-2217). The form is to be sent to the contractor within 10 days after the end of the subcontractor’s fiscal year.

• If a subcontractor does not meet these criteria for receiving a cash contract, the contractor may purchase food for the food pantry or directly pay the billing agents or vendors for the subcontractor.

7. **Subcontractors shall not have been suspended or debarred.**

• By signing the subcontract, the subcontractor certifies that 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.

• Subcontractor shall notify the contractor within 30 days of any exclusion from participating in transactions.
Application Process

This policy applies to all organizations that use EFAP funds for a food pantry.

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. WSDA distributes and receives applications.
   WSDA shall:
   • Notify contractors by email when applications and subcontracts are available for use at the biennial meeting.
   • Maintain a statewide mailing list of emergency food programs, including tribes.
   • Accept no more than one contractor application per county for the county-based food pantry program throughout the state, except for King County where it may accept up to three.
   • Accept tribal food pantry applications throughout the state from all tribes that meet eligibility requirements.

3. WSDA computes the allocation of funds to counties.
   WSDA computes food pantry program county allocations and tribal allocations to each county or tribe based on a formula determined by WSDA in consultation with the Food Assistance Advisory Committee.

4. WSDA computes the allocation of funds to tribes.
   The formula for allocation of funds to tribes, 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. Currently it is based on tribal enrollment numbers.

5. Formula for allocation of funds to counties.
   The formula for allocation of funds to counties (non-tribal providers), in general, will be computed as follows:
   • An agreed-upon baseline amount will be allocated to each county.
   • The remaining funds will be allocated based on other agreed-upon criteria that measure need. Currently it is based on percent of poverty as determined by the American Community Survey.

6. Specific requirements must be met in applying for funding.
   • Must meet the eligibility requirements as listed in the Eligibility Criteria for Contractors section.
   • Tribes receive the same allocation whether they participate in the tribal food pantry and/or voucher programs.
   • All 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.
EFAP Application - Community Meeting

This policy applies to contractors and subcontractors that choose to apply for food pantry funding under the county’s contractor.

1. Each county or multi-county region must have an EFAP community meeting.
   - Eligible participating food pantries, other interested parties, prospective contractors and food banks for a county or multi-county region must meet prior to the due date for the EFAP application.
   - The community biennial EFAP meetings are required of all subcontractors to receive funding. Contractors may excuse a food pantry from attending only if there is an extreme circumstance that prohibits the agency from sending a staff, volunteer or board member.
   - Only those food pantries who will be entering into a subcontract with the contractor are allowed to vote, along with the contractor where applicable. Contractors wishing to clarify the voting structure for the biennial spring meeting should hold a pre-meeting to determine voting structures which may include:
     o One vote per agency - regardless of the number of sites. Each separate organization gets a vote (an organization might have more than one site).
     o If choosing this option, you must determine a process for approving new sites under the same agency. This may vary county to county, and may include “grandfathering in” existing sites.
     o One vote per food pantry site. Each food pantry site gets a vote.
   - Contractors who serve multiple counties may host separate spring meetings for each county if they or their subcontractors would prefer to do so. This should be discussed and voted upon in advance of the spring meeting. At this meeting participants will make the following decisions:
     o Determining if there are any new eligible food pantries. The only reason for denying an eligible food pantry is because of duplication of service. Some non-duplication factors to consider are: distance from other food pantries, hours and days of operation, specific population served, and access to special dietary food.
       ▪ New food pantries must be allowed to make their case for receiving EFAP prior to a vote and should check with the contractor to see if they have a preferred presentation format.
     o The selection of a contractor.
     o The selection of a food bank(s), if any.
     o How to utilize the EFAP funds in each county. Also see Communities Determine How to Spend EFAP Funds section of this manual.
     o How the EFAP funds will be allocated among the food pantries if the group agrees that some funding will be allocated to that budget category.
       ▪ The meeting must include discussion about how the service area’s food pantries will procure food. See the Food Procurement Priority System section of this manual.
   - At this meeting, participants may also make other procedural decisions that may arise throughout the biennium:
How funds will be redistributed if a pantry is unable to spend out or has not presented plans to spend out its funds by the end of the state fiscal year (June 30th).

How funds will be redistributed during or at the end of the state fiscal year if additional funds become available, are taken away, or should a pantry close or return funds or not spend out their allocation. Possible votes could include:

- Redistribution of funds to closest food pantry.
- Redistribution of funds to food pantries that show largest increase in clients in the following month.
- Redistribution of funds to a food bank level bulk buy program.
- Redistribution of funds equally to all participating food pantries.

Alternatives to in-person meetings that require a vote during the course of the biennium (electronic voting, conference call, web meetings etc.)

An agreed upon spend out procedure. Example: 80 percent of funds must be spent by May billing.

An additional vote to confirm final allocation levels if EFAP actual funding varies considerably from estimated figures. Initial allocation estimates have been provided to each EFAP contractor prior to 2021 community meetings. Once the budget is final then an EFAP allocation fund table will be provided to each EFAP contractor. Keep in mind that EFAP may be funded through state and federal sources due to the federal COVID-19 relief package.

Approve a process for determining the use of future funding increases mid-biennium should funds be made available.

Contractor may hold a vote at the spring meeting to decide voting methods for other procedural items relevant to their county that may come up throughout the year such as electronic voting, conference call or web-based meetings etc. However, all voting methods must include the two-thirds vote requirement of the eligible food pantries and contractor, as applicable.

The current contractor shall organize and conduct the meeting for its current service area and notify WSDA of the date, time and place.

Every attempt must be made to schedule this meeting when all food pantries can attend.

WSDA will provide guidelines for the agenda and discussion topics to the contractor.

The contractor will be responsible for sending all participants the agenda, the guidelines and all applicable handouts.

The contractor must submit detailed minutes of the meeting with the application, including who was at the meeting, details of the discussions and the vote count for each decision.

Good meeting etiquette is an expectation of all attendees.

**Note:** Where there is a two-thirds vote required the vote must be two-thirds of the agencies/sites (excluding drop sites) that will be receiving EFAP funds, not two-thirds of those present at the meeting.

**Reminder:** WSDA provided guidance is general in nature. Contact Food Assistance if guidance does not address the specific questions or scenarios you or your county are facing.
2. **Absentee ballot voting allowed.**
   - Food pantries may be excused from having a representative present at the meeting only in extreme cases. The contractor has the authority to make this determination.
   - Food pantries that cannot have a representative present at the meeting where the above decisions are to be made may submit an absentee ballot.
   - An absentee ballot must be mailed or delivered to the agency calling the meeting, and be signed by the executive director or board president of the voting organization.
   - The ballot must specifically state how the food pantry votes on the issues of contractor, food bank, and allocation of funds.

3. **Process when a group cannot arrive at a decision on one or more issues.**
   - Groups that cannot arrive at a two-thirds vote for the selection of contractor, food bank and/or allocation of funds shall select a local, objective mediator to assist the group at another meeting in reaching a decision(s).
     - Note: In a county spring meeting that has an insufficient number of eligible votes (potentially two or fewer) to achieve a two-thirds majority, WSDA may cast vote(s) in the decision making process.
   - The current contractor must notify WSDA either in writing or by phone that the mediation option is being exercised or, that WSDA’s votes are requested for a majority decision.
   - The notice must include when and where the meeting is scheduled, who the mediator is and what issues are in question.
   - When the meeting is completed, the contractor has the responsibility to inform WSDA of the outcome. The group will have 30 days from the date of the original meeting to arrive at its decision(s).
   - The contractor may request that a WSDA representative be present at the follow-up meeting.
Procedure for Scheduling the Community Meeting

This procedure applies to contractors and subcontractors who choose to apply for food pantry funds under the contractor.

If any of these steps are determined to have been skipped, any party, including WSDA, the current contractor or food bank, interested parties, or participating food pantries, may request of WSDA that another meeting be held to reconsider any of the votes.

<table>
<thead>
<tr>
<th>Action by:</th>
<th>Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSDA</td>
<td>WSDA will notify by email of upcoming biennium application packets to current contractors at least six weeks prior to the date packets are due back to WSDA. Forms will be posted on the FA Forms and Publications webpage.</td>
</tr>
<tr>
<td>Current contractor and participating food pantries</td>
<td>WSDA must maintain a list of participating food pantries, past and present interested parties, including agencies that have directly contacted WSDA, and send all parties interested in being the contractor information on the application process.</td>
</tr>
<tr>
<td>Interested party</td>
<td>If a current contractor or participating food pantry is contacted by an interested party (an agency wishing to be considered for contractor and/or food bank), they must tell that party to notify WSDA of its interest in writing or by email.</td>
</tr>
<tr>
<td>WSDA</td>
<td>If interested in becoming the contractor, interested party must notify WSDA, in writing or email, a minimum of 2 weeks prior to the biennial EFAP meeting being held in its declared service area.</td>
</tr>
<tr>
<td></td>
<td>If interested in becoming the food bank, interested party must notify the current contractor a minimum of 2 weeks prior to the biennial meeting.</td>
</tr>
<tr>
<td></td>
<td>If an interested party for contractor has had no prior relationship with EFAP in the previous biennium, WSDA will conduct a site visit before the community meeting to determine eligibility as a potential contractor.</td>
</tr>
<tr>
<td></td>
<td>If an interested in becoming the food bank and has had no prior relationship with EFAP in the previous biennium, the contractor will conduct a site visit before the community meeting to determine eligibility as a potential food bank.</td>
</tr>
<tr>
<td>WSDA</td>
<td>WSDA will notify the interested party and current contractor of its eligibility status in writing prior to the scheduled meeting.</td>
</tr>
</tbody>
</table>
### SCHEDULING THE COMMUNITY MEETING

<table>
<thead>
<tr>
<th>Action by</th>
<th>Action:</th>
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</thead>
<tbody>
<tr>
<td>Current contractor</td>
<td>The current contractor must schedule the biennial meeting, send notices to all food pantries currently receiving EFAP and those interested in receiving EFAP, current food bank(s), agencies interested in being the selected food bank, any agencies interested in becoming the contractor and WSDA stating the date, time and place of the meeting in writing or email.</td>
</tr>
<tr>
<td></td>
<td>The contractor must include with the meeting notice the required EFAP Subcontractor Biennial Meeting Handout (AGR PUB 609-460) that explains the meeting process.</td>
</tr>
<tr>
<td>Interested parties and participating food pantries</td>
<td>Must email or call to RSVP to the contractor if planning on attending the meeting.</td>
</tr>
<tr>
<td>Current contractor</td>
<td>Contractor must follow up with participating food pantries and interested parties prior to the meeting to confirm their planned attendance if it has not received RSVPs from them.</td>
</tr>
</tbody>
</table>
Selection of Food Pantry, Contractor, and Food Bank

This policy applies to contractors and subcontractors that choose to apply for food pantry funding under the county's contractor.

The selection process is conducted at the community biennial EFAP meetings. Only those food pantries who will be entering into a subcontract with the contractor are allowed to vote, along with the contractor where applicable. All decisions are made with a two-thirds vote of participating food pantries and the contractor, as applicable. Only food pantries who will be entering into a subcontract with the contractor are allowed to vote. Food bank distribution centers are not allowed a vote.

- The lead contractor (which might also serve as a food bank distribution center) may vote on everything other than who should be the lead contractor. If the lead contractor is a food pantry, then they are permitted one vote to determine lead contractor.
- For all other votes, if the lead contractor is also a food pantry, then they may only get one vote.
- If there are not enough eligible voters for determining a two-thirds majority then WSDA may cast deciding votes (i.e., there are less than three votes in the county).

Note: Should a food pantry not be present at the meeting, two-thirds refers to all of the food pantries in a county receiving EFAP funds and food for the next biennium, not two-thirds of those present at the meeting. All votes should be made, and reported separately in the meeting minutes. See EFAP Application – Community Meeting section for more detail.

1. Food pantry selection.
   - Any agency that meets the food pantry eligibility criteria should contact the contractor to verify eligibility and request to present their case at the community biennial meeting.
   - The only reason for denying an eligible food pantry at the community biennial meeting is because of duplication of service. See EFAP Application – Community Meeting section for more detail.
   - The participating food pantries and contractor vote to determine if there is a duplication of service with the requesting food pantry. There must be at least a two-thirds vote of duplication of service for the requesting food pantry to be denied.

2. Contractor selection.
   - Any agency that meets the eligibility criteria may compete to be the contractor to manage the contract.
   - Prospective contractors shall have the opportunity to present their proposals for providing services to the group prior to the voting. Prospective agencies must contact the WSDA in advance for minimum capacity/requirements analysis, which typically includes an onsite visit, written descriptions of experience, capability, current working relationships with potential
food pantries, eligibility criteria, and an organization chart, along with job descriptions for key personnel.

- Each county can only have one contractor, except for King County, which can have up to three contractors.
- An agency may be the contractor for more than one county, but each county must vote separately for their contractor.
- The eligible participating food pantries must elect a contractor with at least a two-thirds vote. Contractors who are also participating food pantries may vote.
- If multiple counties have selected the same contractor in the past, that does not preclude any of the counties from selecting a different contractor than the other counties for future contracts.

3. **Food bank selection.**

- Any agency that meets the criteria may vie for food bank.
- Prospective food banks shall have the opportunity to present their proposals for providing services to the group prior to the voting.
  - Prospective agencies must contact the WSDA in advance for minimum capacity/requirements analysis.
- A county may select more than one food bank to fund.
- The eligible participating food pantries and new contractor elect a food bank(s) with at least a two-thirds vote.
- If a contractor is also a participating food pantry, they only have one vote.
- The contractor may also serve as the food bank if it has that capacity.
Allocating Funds to Food Pantry, Contractor and Food Bank

This policy applies to contractors and subcontractors that choose to apply for food pantry funding under the county’s contractor.

1. Allocating EFAP funds.
   - All eligible participating food pantries and the new contractor have the responsibility of deciding how to allocate the EFAP funds among the food pantry, food bank, equipment, SDN food purchases, and membership dues to the WA Food Coalition or other anti-hunger groups.
   - At least two-thirds of the eligible participating food pantries and contractor must agree on the allocation of funds.
   - If a contractor is also a participating food pantry, they only have one vote.
   - Funds may be allocated to any category the food pantries consider the most beneficial for their area, from one of the categories to all of them.
   - The contractor alone decides if it will take 10 percent of the contract total for administrative costs before the remaining funds are allocated.
   - The group may wish to revisit how the funds are allocated towards the end of the meeting to be sure that all parties are satisfied with the allocation decisions.
   - A multi-county area with the same contractor may make decisions on how the funding is allocated as individual counties or as a combined block vote. With the latter case, at least two-thirds of all the food pantries involved must vote to do so. This would involve pooling all of the counties’ funding into one single allocation for the combined counties and would be considered as a single allocation in computing the combined area’s percentages to the various budget categories.
   - If any county’s food pantries would receive less money with this method, they have the option of not being included in the block vote. The other counties may continue to vote as a block.

2. Allocating funds for equipment and capital improvements.
   As a county or region, the group shall discuss any equipment purchases or capital improvement projects that benefit the entire service area.
   - The shared equipment allocation shall be decided by a two-thirds vote of the eligible participating food pantries and new contractor.
   - The equipment allocation is taken off the top prior to funds being allocated to other categories if the purchase is to benefit the entire contractor area.
   - An individual food pantry, contractor or food bank has the authority to decide on its own if it wishes to purchase equipment or undertake a capital improvement out of its own allocation. The WSDA purchase or project approval processes must still be followed.

3. Allocating funds in the food pantry category.
   - If funds are allocated to the food pantry category, the new contractor and eligible participating food pantries shall collaborate in determining how to allocate those funds. This may be done by each county or as a block vote per paragraph 1 above.
• The formula for allocation must be based on the substantiated need documented by the participating food pantries.
• The group shall try to reach consensus. If this is not possible, at least two-thirds must agree on the allocation formula.

4. Allocating funds in the food bank category.
• If the group elects to allocate funds to food bank(s), the new contractor and eligible participating food pantries shall select their food bank(s) with a two-thirds vote either by county or as a block vote.
• The group will also work cooperatively in determining the conditions of the food bank subcontract. This may include such details as to when deliveries will be made, approximately what percentage of food each food pantry will receive and what kinds of food and essential non-food items shall be procured on behalf of the food pantries.
• The group may elect to allocate subcontracts to more than one food bank.
• The contractor may serve as the food bank if it has that capacity.
Communities Determine How to Spend EFAP Funds

This policy applies to contractors and subcontractors.

1. **Contractor and food pantries together make funding determinations.**
   EFAP funding is flexible in how it can be used in each county. EFAP is a locally driven program. The contractor and food pantries, including tribal food pantries applying under the county’s contractor within a county or multi-county service area, shall determine how to spend their EFAP funds at the community meeting. (See Selection of Food Pantry, Contractor, and Food Bank section.)
   - The county food pantries and the contractor may choose to fund any one or any combination of the following:
     - Allocate funds for each food pantry to use as they wish on allowable expenditures.
     - Allocate funds for a food bank to provide food to food pantries.
     - Allocate funding for special dietary needs food to be purchased for all of the food pantries.
     - Allocate funds to pay for equipment to benefit all of the participants such as a walk-in freezer where all can store food or a truck that all can use to transport food.
     - Allocate funds to pay for capital improvement projects needed for EFAP organizations.
     - Allocate dues to an organization, up to 1 percent of allocation, that focuses on anti-hunger or nutrition issues.
   - Two-thirds of the food pantries plus the contractor must agree on how to allocate the funds, taking into account the needs of their communities.
   
   **Note:** WSDA recommends that the food pantry community financially support food banks with EFAP funds. WSDA recognizes these agencies are one of the largest suppliers of food in the state, and provide it at a minimum cost to food pantries.

2. **Counties can determine service area boundaries.**
   - Food pantries within a county or multi-county region may agree to define their service area boundaries for the purpose of equitably allocating resources.
   - Tribes may also establish service area boundaries for their food pantries.
   - Providers must serve clients, no matter where the client resides.
     - The same level of service should be provided to all clients regardless of where they reside.
     - If appropriate, the provider may refer the client to the agency typically servicing the area in which the client resides, or the tribe that has established jurisdiction over the area where the individual lives.
   - Providers must practice nondiscrimination when applying their service area policies.

3. **Using funds for special dietary needs food.**
   Food pantries, food banks and contractors may allocate funds for the purchase of special dietary needs (SDN) food to benefit clients with special needs such as:
   - Baby foods and formula
• Nutritional supplements (Boost, Glucerna, Ensure)
• Gluten-free products
• Diabetic specific items
• Dairy-free foods
• Low salt/low fat foods
• Fresh produce and dairy

Culturally appropriate foods may also be considered in this category to serve the special dietary needs of clients.

• Those who elect to allocate funds for special dietary needs food will assess which clients with special dietary needs reside in their service area, and which of those groups are not adequately having their nutritional needs met by other social service programs.

4. Using funds for food banks to provide food and other product.

If food pantries elect to allocate EFAP funds for food bank distribution services, food banks shall use their funds for costs related to soliciting, purchasing, storing and transporting food and other essential non-food products that they will make available to food pantries.
Match Requirements for EFAP Contract Awards

This policy applies to organizations using EFAP funds.

1. **Tribal contractors and tribal subcontractors match.**
   - Tribal contractors and subcontacting 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). Soft match may include TEFAP, FDPIR, CSFP, and other programs.

2. **Food pantry contractors and food bank subcontractors match.**
   - Non-tribal contractors and food bank subcontractors must at least equally match their EFAP contract 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). Soft match may include the value of foods from TEFAP, CSFP, and other programs serving EFAP clients and food pantries.

3. **Food pantry subcontractors have two ways to meet match requirement.**
   Non-tribal food pantry subcontractors can match their EFAP funds in two ways:
   - They can equally match their EFAP funds with at least 50 percent of the minimum match required as cash (hard match) from other funding sources and the remainder from donated in-kind services (soft match).
   - They can match EFAP funds with at least 200 percent of in-kind donations of food, labor, transportation and the like (soft match), if they do not have sufficient cash match.

4. **Determine in-kind values.**
   In-kind contribution is the value that is placed on donated services, materials, equipment, food, and other, as determined by EFAP or fair market value as determined by contractor and subcontractor in conjunction with their CPA or tax advisor. The determination is based on the following:
   - **Services/Labor** – Identify the number of hours provided, and the hourly value (to be determined by the agency, based on a fair market salary, minimum wage or WSDA’s current (biennial 2021-2023) suggested value of $16.69 per hour). Calculate the total for each volunteer.
     - This in-kind labor rate is used solely for EFAP close-out reporting. Agencies may use this rate or a Fair Market Value rate established in conjunction with their CPA or tax advisor as per the EFAP policies and procedure manual and contracts.
     - The EFAP in-kind labor rate is to be used internally by agencies and is not a rate to be used in receipting donors for their in-kind donations of labor. Donors are responsible for determining the fair market value of their own donations in conjunction with their own personal accountants or tax advisors.
   - **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 of $0.56. Use actual cost of donated transportation as declared from commercial carriers.

• **Food** – Use (biennial 2021-2023) $1.82 per pound of food to estimate the value, or estimate a fair market value.
  - This in-kind food donation value rate is used solely for EFAP closeout reporting. Agencies may use this rate or a fair market value rate established in conjunction with their CPA or tax advisor as per the EFAP policies and procedure manual and contracts.
  - The EFAP in-kind food donation value rate is to be used internally by agencies and is not a rate to be used in receipting donors for their in-kind donations of food. Donors are responsible for determining the fair market value of their own donations in conjunction with their own personal accountants or tax advisors.
  - For EFAP reporting, TEFAP and CSFP commodities can be valued as in-kind match at the rate of $1.82 per pound. However, for audit purposes, TEFAP and CSFP commodities must be valued based on the actual product cost of each commodity received based on the current USDA price list published by WSDA each October 1.
Contractor Responsibilities

This policy applies to contractors with subcontractors.

1. **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 the subcontract when a subcontractor does not comply within that given timeframe.

2. **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 the Eligibility Criteria for Food Pantry Subcontractors section or Eligibility Criteria for Food Bank Subcontractors section.
     - 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. **May reallocate funds among food pantries within a county.**
   - At any time during the contract period, a non-tribal contractor or participating food pantry may request a reallocation of funds in a given county if need among the existing participating food pantries change.
   - All parties must vote with a two-thirds agreement to shift funds with the exception of termination of a food pantry for noncompliance or nonperformance and that food pantry’s remaining funds are being reallocated.
     - Reallocations among food pantries within a given county do not need the permission of WSDA; however, contractors must notify WSDA in writing, explain the reason for the reallocation, and provide verification that the parties involved were in agreement.

4. **May add new participating food pantries.**
   - **During application process:** New non-tribal, eligible food pantries requesting EFAP funds during the application process must be funded unless it is determined they provide a duplication of service.
     - In determining duplication of service, the contractor and participating food pantries should consider what other services the new food pantry would provide, the proximity of other
CONTRACTOR RESPONSIBILITIES

food pantries (if it is a hardship for clients to get to the currently funded food pantries) whether the new food pantry serves a different clientele, whether or not the hours the adjacent food pantries are open could complement each other, does the new food pantries have access to different kinds of food.

○ Two-thirds of the currently participating food pantries and contractor must vote that there is a duplication of service.
  ▪ Follow pre-determined process decided on at community meeting for adding new sites that are a part of the same subcontracting agency.
  ○ For more information on the application process, please refer to the EFAP Biennial Application Instructions.

• During the contract period: The contractor for the food pantry program may add additional food pantries in its region any time during the contract period, after the subcontracts are in place.
  ○ The contractor must have the support of two-thirds of the participating food pantries for the addition. Duplication of services may be a justification for not adding a new food pantry.
  ○ The contractor must submit documentation of the required consent to WSDA.

5. May reallocate funds when a food pantry closes or is terminated.

• During the contract period, the contractor may reallocate the funds of a closed or terminated food pantry to the remaining subcontractors according to the allocation formula used during the application process without a vote of the remaining food pantries.

• The contractor may elect to hold a meeting with the remaining food pantries to determine the best use of the funds. This could include such decisions as giving the funding to the food pantry(ies) closest to the closing /terminated food pantry or spending the funds on some purchase that would benefit all providers such as a group food purchase or equipment purchase.

• The contractor must have the support of two-thirds of the participating food pantries when distributing the funds differently than the original allocation formula.

• Contractors must notify WSDA in writing the result of the reallocation, and if applicable, provide verification that the parties involved were in agreement of reallocation.

• Such a vote may take place in advance at the EFAP spring meeting.

6. Contractors must continue to maintain contracting eligibility.

• This includes maintaining an active SAM registration, registration with Secretary of State, and not be debarred at all times during which it receives state or federal funding.