



Washington
State Department of
Agriculture

FOOD ASSISTANCE

EMERGENCY FOOD ASSISTANCE PROGRAMS (EFAP)

PROCEDURES MANUAL FOR TRIBAL VOUCHER

CONTRACTORS & SUBCONTRACTORS

JULY 2019

Kim Eads, Program Manager
WSDA Food Assistance

WSDA Food Safety & Consumer Services Division

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SECTION 1: FOOD ASSISTANCE INFORMATION

Section 1: Food Assistance Information

EFAP PROCEDURES MANUAL SECTION 1: FA PROGRAM INFORMATION

INTRODUCTION

Introduction

Welcome to the Food Assistance (FA) programs updated procedures manual for the Emergency Food Assistance Program (EFAP) - Tribal Voucher Program. This manual includes both policies and procedures and is written to assist contracting agencies and their respective subcontractors. The effective date of this manual is July 1, 2019.

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 federal commodities and administrative funds of The Emergency Food Assistance Program (TEFAP), the Commodity Supplemental Food Program (CSFP), the state funded Emergency Food Assistance Program (EFAP), and the Emergency Food Assistance Program (EFAP) - Tribal. If any procedure or guideline is found to be in conflict with the RCW, the RCW will prevail.

These policies and procedures shall be adjusted, as necessary, during the course of the program period. These policies and procedures are specific to EFAP-Tribal Voucher Program 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. If changes are made, contractors shall receive notice of changes through program update emails.

If you have questions, suggestions, changes or corrections regarding this manual, please contact your WSDA Regional Representative.

Washington State Department of Agriculture

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

Or e-mail to: foodassistance@agr.wa.gov

This manual is available on our website at: [https://agr.wa.gov/services/food-access/hunger-relief-agency-hub/state-food-assistance-programs/emergency-food-assistance-program-\(efap\)-tribal](https://agr.wa.gov/services/food-access/hunger-relief-agency-hub/state-food-assistance-programs/emergency-food-assistance-program-(efap)-tribal). 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 Team

MISSION & VISION STATEMENTS

Vision & Mission

VISION STATEMENT:

We are trusted partners who anticipate and respond to the evolving needs of the food system by focusing on the intersection, viability, and success of agricultural producers and hunger relief agencies. Together, we ensure access to healthy food and sustain vibrant communities for all Washingtonians.

MISSION STATEMENT:

Food Assistance serves communities and lower-income families by improving access to safe and nutritious foods. We honor our connections with agriculture and strengthen the emergency food system by providing food, funding, logistical support, and outreach to hunger relief providers and tribes.

OVERVIEW

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. Food Assistance is part of the Food Safety and Consumer Services Division which plays an active role in defending the availability, safety, and integrity of our food system.

WSDA's Food Assistance programs serve food insecure families by providing food, funding, logistics services and outreach to hunger relief providers and tribes. Through active engagement and strong partnerships, we strengthen the emergency food system, improve access to nutritious and safe foods, and ensure regulatory compliance, while honoring our connections with agriculture. Our goals are to develop key partnerships and data-driven strategies to alleviate hunger and increase access to healthier food options available in the emergency food system while supporting the agricultural community.

WSDA's Food Assistance programs typically provide about \$23 million worth of state and federal food and funding to support 500 food banks, food pantries, meal programs, tribes and tribal organizations. We anticipate that these resources will grow to over \$40 million due to increased federal funding and food through the temporary Trade Mitigation Program.

One in six Washingtonians (1.1 million people) received food from emergency food providers that were supported with resources from our programs.

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.
- Providing the necessary framework to keep food assistance distributions flexible and responsive to client needs.

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 lower-income elderly people at least 60 years of age. CSFP provides food and limited operational funding for distribution to nonprofit organizations, such as community action councils, food banks, and food pantries. (Limited availability)

OVERVIEW

Emergency Food Assistance Program (EFAP)

A state funded program that supports local emergency food providers with funding to help alleviate hunger for lower-income children, adults, working poor, elderly and the homeless. The funding is flexible and may be used for the purchase of food, operational costs, nutrition training and equipment or repairs.

Emergency Food Assistance Program (EFAP) - Tribal

A state funded program that supports tribal organizations with funding to help alleviate hunger for lower-income Washingtonians, including the homeless, receiving services from a food pantry or receiving a tribal food voucher. The funding is flexible and may be used for the purchase of food or food vouchers, operational costs, nutrition training and equipment or repairs.

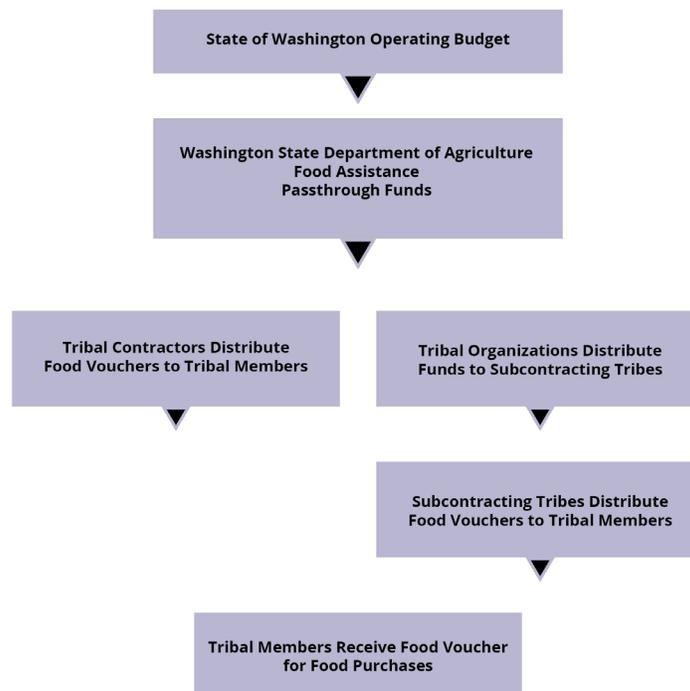
The Emergency Food Assistance Program (TEFAP)

A federally funded USDA program that helps supplement the diets of lower-income Washingtonians, including the homeless. TEFAP provides food and limited operational funding for distribution to nonprofit organizations, such as community action councils, food banks, food pantries, shelters and meal programs. This program also includes the temporary Trade Mitigation Program (TMP).

Farm to Food Pantry (F2FP) Initiative

The initiative, established in 2014, is a partnership with Rotary First Harvest. It helps bridge gaps between agriculture and hunger relief agencies, connects farmers to their communities and increases access to healthier food options for lower-income families. (Limited availability)

EFAP-TRIBAL VOUCHER PROGRAM FLOW CHART



OVERVIEW

FOOD ASSISTANCE ADVISORY COMMITTEE

The WSDA Food Assistance (FA) Advisory Committee, which is part of the Washington Food Coalition (WFC), plays an important role in shaping how WSDA Food Assistance programs can provide the most value to the food assistance provider network and to those whom they serve.

The FA Advisory Committee is comprised of a Chair, Vice Chair, provider members, the WFC Executive Director, WSDA staff and other interested parties. The Advisory Committee works on making recommendations for program policy and emergency food system improvements, and streamlining program processes.

The WFC has set up a page on their website where notes and information from Committee meetings are posted for anyone interested in staying informed. Please visit <https://www.wafoodcoalition.org/food-assistance-advisory-committee> for more details.

CONTACT INFORMATION

Contact Information

FOOD ASSISTANCE STAFF

Kim Eads, Program Manager

Office: (360) 725-5651
Email: keads@agr.wa.gov

Lisa White, Management Analyst

Office: (360) 725-5640
Email: ljwhite@agr.wa.gov

James Scovel, Food Assistance Specialist

Office: (360) 725-5641
Email: jscovel@agr.wa.gov

Kyle Merslich, Food Assistance Specialist

Office: (360) 725-5657
Email: kmerslich@agr.wa.gov

Katie Rains, Food Assistance Specialist

Office: (360) 902-1926
Email: krains@agr.wa.gov

Nichole Garden, Food Assistance Coordinator

Office: (360) 725-2858
Email: ngarden@agr.wa.gov

Food Assistance Mailing Address:

Washington State Department of Agriculture
Food Assistance
1111 Washington ST SE, PO Box 42560
Olympia, WA 98504-2560

Program Email: foodassistance@agr.wa.gov

Program Website: <https://agr.wa.gov/services/food-access>

SECTION 2: EFAP ADMINISTRATION

Section 2: EFAP Administration

EFAP PROCEDURES MANUAL SECTION 2: EFAP ADMINISTRATION

DEFINITIONS

Definitions

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.

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 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 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 – The eligible association, tribe, or tribal organization that entered into a contract with the WSDA Food Assistance to provide emergency food assistance within a county, multi-county region, 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.

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.

DEFINITIONS

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

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 tribal food pantry or a voucher program 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 – 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

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.

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.

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 clearly identifiable with providing direct services to eligible clients, or food bank 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.

DEFINITIONS

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 – Revised Code of Washington.

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 Food 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 Food 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.

Returning Client (Duplicate) – A client served by an emergency food provider during the reporting period who has been previously served during the current fiscal year.

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.

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. The term does not include the contractor’s employees. The term includes any subcontractor in any tier.

Tribal 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.

Uniform Guidance – The federal Chapter 2 Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for federal awards.

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 TRIBAL CONTRACTORS

Eligibility Criteria for Tribal Contractors

This policy applies to tribal contractors that use EFAP funds for a voucher program.

1. Contractors Must Meet the Following Criteria

- Be a federally recognized tribe **or** a tribe or approved tribal organization with IRS 501(c)(3) status and registered with WA Secretary of State Office as a nonprofit agency/corporation.
- 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. 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.
- Secure adequate fidelity insurance.
- Have public liability insurance to protect against legal liability arising out of services under the contract.
- The contractor shall name State of Washington, its officers, officials, agents and employees as 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 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.

ELIGIBILITY CRITERIA FOR TRIBAL CONTRACTORS

- 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 completed a 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 EFAP contract if not already submitted.

Forms listed above may be found on the FA website at: <https://agr.wa.gov/services/food-access/hunger-relief-agency-hub/food-assistance-forms>

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.

4. **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.

ELIGIBILITY CRITERIA FOR TRIBAL CONTRACTORS

- 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.
- Providers agree to implement physical, electronic and managerial safeguards to prevent unauthorized access to personal information.
- 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 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 contractor to apply for EFAP funding on its behalf. Each tribe the contractor represents must select the tribal contractor.
- A tribal contractor does not have to issue vouchers itself to be a contractor.

6. **Tribal Contractors Must Enter Into Subcontracts**

Tribal contractors must enter into subcontract agreements with each tribe/tribal organization 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-2206).
- Written client eligibility standards.
- Written client privacy policies and client release forms.

7. **Tribal Contractors Shall Practice Nondiscrimination in Services**

- 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 shall interfere with, or be construed as interfering with, tribes' employment and contracting processes regarding Tribal and Indian preference as allowed by law.

ELIGIBILITY CRITERIA FOR TRIBAL CONTRACTORS

8. Contractors Shall Not Have Been Debarred

- By signing the contract, the applicant certifies that they are 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.

ELIGIBILITY CRITERIA FOR SUBCONTRACTORS

Eligibility Criteria for Subcontractors

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Subcontracting Tribes Must Meet Criteria before Receiving EFAP Funding

Contractor shall determine the eligibility of a new subcontractor 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/corporation.
- 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 and services.
- 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, subcontractor 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-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-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, employees and authorized agents. 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

ELIGIBILITY CRITERIA FOR SUBCONTRACTORS

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.

APPLICATION PROCESS

Application Process

This policy applies to tribal contractors and tribal contractors that use EFAP funds for a 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. WSDA Distributes and Receives Applications

WSDA shall:

- Notify contractors by email when applications and subcontracts are posted to the FA website in the spring.
- Maintain a statewide mailing list of emergency food programs, including tribes.
- Accept tribal applications throughout the state from all tribes and tribal organizations that meet eligibility requirements.

3. WSDA Computes the Allocation of Funds for Tribes

WSDA computes tribal food voucher allocations to each tribe based on a formula determined by WSDA in consultation with the Food Assistance 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

- Must meet the eligibility requirements as listed in the Eligibility Criteria for Tribal Contractors section.
- Tribes receive the same allocation whether they participate in the tribal food pantry and/or voucher 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.

MATCH REQUIREMENTS FOR VOUCHER PROGRAM

Match Requirements for Tribal Voucher Program

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

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

- 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). Soft match may include the value of foods from TEFAP, FDPIR, CSFP, and other programs serving EFAP clients.
- These requirements pertain to tribes that participate in the food pantry program and/or voucher program.

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 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 2019-2021) suggested value of \$16.50 per hour). Calculate the total for each volunteer.
 - This in-kind labor 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 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 \$0.58. Use actual cost of donated transportation as declared from commercial carriers.
- **Food** – Use (biennial 2019-2021) \$1.75 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 TEFAP and CSFP, WSDA requires that the USDA commodities are valued based on the actual product cost of each commodity (no averaging) received based on the current USDA price list

MATCH REQUIREMENTS FOR VOUCHER PROGRAM

published by WSDA each October 1. This is intended for auditing purposes. However, for EFAP the in-kind food valuation of \$1.75 per pound estimate or the fair market value may be used.

CONTRACTOR RESPONSIBILITIES

Contractor Responsibilities

This policy applies to tribal contractors that use EFAP funds for a voucher program.

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 Subcontractors](#).
 - 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 Subcontractors

- Contractor may reallocate funds among its subcontractors 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.
- Contractor must notify WSDA in writing, explain the reason for the reallocation, and provide verification that the parties involved were in agreement.

SECTION 3: CLIENT MANAGEMENT

Section 3: Client Management

EFAP PROCEDURES MANUAL SECTION 3: CLIENT MANAGEMENT

QUALIFYING ELIGIBLE CLIENTS

Qualifying Eligible Clients

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. 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. 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. 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.

3. 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.

CLIENT PRIVACY STANDARDS

Written Client Privacy Standards Requirements

This policy applies to all tribal contractors, and tribal subcontractors that use EFAP funds for a voucher program.

1. 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.
- 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.
- Contractor 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.

PERFORMING OUTREACH AND NETWORKING

Performing Outreach and Networking Activities

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Conduct Outreach Activities to Clients

All contractors and subcontractors providing direct services shall provide the following outreach activities:

- A tribe must register within 30 days of the effective start date of its contract.
- To register, a tribe can call 211 in its area or register online at www.win211.org.
- A tribe must prominently display the 211 number for the benefit of its customers.
- Posting information on EFAP voucher services (including how to apply for voucher services) in public locations, at tribal and government offices, hotlines, advocacy and community social service organizations as funding allows. This information could include the following:
 - Handouts or pamphlets that lists the services and locations.
 - Pamphlets from each agency providing the above services that clients can take home with them.

2. Contractors Will Network and Provide Information on Available Services to Clients and Other Providers

Contractors and subcontractors 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 programs in your community could include:

- Supplemental Nutrition Assistance Programs (SNAP)
- Food Distribution Program on Indian Reservations (FDPIR)
- 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
- Drug & alcohol treatment programs
- Local job training programs and local employment security offices
- Public transportation facilities

PERFORMING OUTREACH AND NETWORKING

3. Contractors are Responsible for Subcontractors Having Referral Information

Contractors and subcontractors will disseminate information to clients. Such information can include handouts, pamphlets, or a list of services clients can take home with them about programs.

Contractors are responsible for ensuring subcontractors have referral information. 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

SECTION 4: FISCAL MANAGEMENT

Section 4: Fiscal Management

EFAP PROCEDURES MANUAL SECTION 4: FISCAL MANAGEMENT

ALLOWABLE ACTIVITIES AND EXPENSES

Allowable Activities and Expenses

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Bill Only Allowable Activities and Expenses

- Contractors and subcontractors are allowed to use state funds for administrative and operational expenses, including direct service expenses, agency indirect expenses, and equipment purchases.
- Facilities maintenance and repair costs up to \$500
- Capital expenditures for improvements with prior WSDA approval up to \$500.

2. Shall Not Be Reimbursed for Unallowable Expenses

Funds awarded under the contract shall not be used for:

- Activities not related to the food assistance programs.
- Administrative expenses above the allowable ten percent of the contract.
- Payment of mortgages or leases with option to buy.

ALLOWABLE ADMINISTRATIVE EXPENSES

Allowable Administrative Activities and Expenses

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Allowable Administrative Activities and Expenses

- Contractors, subcontractors to include food pantries, food banks and tribal contractors shall only bill for allowable administrative activities and expenses, including agency indirect expenses not attributable to any one specific program. It is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect cost in order to avoid possible double-charging of State awards.
- Allowable administrative activities and expenses may include:
 - 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 capital expenditures up to \$500 per cost (**Note:** Major capital expenditures and repairs are not allowed)

2. Administrative and Indirect Expenses Are Limited

- Contractors are limited to 10 percent administrative costs of the total Contract award if performing one function (e.g. contractor with direct voucher services), 15 percent administrative costs if performing two or more functions (e.g. contractor with subcontractors and direct voucher services)
- Subcontractors are limited to 10 percent of their allocation for administrative purposes.
- 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.
 - These types of membership dues will not be counted toward the maximum percentage allowed for administrative expenses.
- 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 unless performing more than one function.
- 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. Allowable Agency Indirect Administrative Activities and Expenses

- Indirect costs must be classified within two broad categories: "Facilities" and "Administration".

ALLOWABLE ADMINISTRATIVE EXPENSES

- Facilities is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses.
 - Note: capital improvement reimbursement is limited to \$500 with prior approval.
- “Administration” is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not directly or easily attributable to this program.
- Allowable indirect costs must be determined in accordance with generally accepted accounting principles (GAAP).
- Includes membership dues that cannot be readily identified with a particular program.
- Costs not directly charged and that are spread among more than one program shall be charged to appropriate programs according to the agency's cost allocation plan and state and federal regulations, policies, and laws, as applicable.
- If indirect rate is above 10% de minimis, contractor must have proof of a federally approved indirect rate.
- If you have questions regarding how to determine your agency indirect please contact your auditor.

4. **Allowable Direct Administrative Activities and Expenses**

Direct administrative costs are those costs that can be identified specifically with the EFAP or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as direct costs.

- Includes membership dues specific to EFAP or its purpose.
- Unless otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under EFAP awards:

Allowable costs must:

- Be necessary and reasonable for the performance of the State award and be applicable to this program or its purpose.
- Conform to any limitations or exclusions associated with this program or any applicable state and federal regulations, policies, and laws.
- Be consistent with policies and procedures and other activities of the State pass-through agency.
- A cost must be consistently applied and may not be assigned to a State award as a direct cost if any other cost incurred for the same purpose has been allocated to the State award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP).
- Be adequately documented per program and policy requirements.
- Be reasonable and allocable to this program or its purpose.
- Have prior written approval if applicable. (e.g. equipment purchase of over \$5,000 per unit, capital expenditures)
- For additional guidance you may find the 2 CFR Part §200 Code of Federal Regulations helpful

ALLOWABLE ADMINISTRATIVE EXPENSES

5. **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 funds have already been transferred to another budget category during the course of the contract.

ALLOWABLE OPERATIONAL EXPENSES

Allowable Direct Operational Activities and Expenses

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Allowable Direct Operational Activities and Expenses

Direct costs are those costs that can be identified specifically with the EFAP and its purpose, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as direct costs.

Unless otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under EFAP awards:

Allowable costs must:

- Be necessary and reasonable for the performance of the State award and be applicable to this program or its purpose.
- Conform to any limitations or exclusions associated with this program or any applicable state and federal regulations, policies, and laws.
- Be consistent with policies and procedures and other activities of the State pass-through agency.
- A cost must be consistently applied and may not be assigned to a State award as a direct cost if any other cost incurred for the same purpose has been allocated to the State award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP).
- Be adequately documented per program and policy requirements.
- Be reasonable and allocable to this program or its purpose.
- Have prior written approval if applicable. E.g. equipment purchase of \$5,000 or more per unit, capital expenditures, etc.
- Activities and expenses that are not charged (and paid) to other food assistance programs and support EFAP's purpose, are considered allowable direct activities and expenses.
- For additional guidance you may find the 2 CFR Part §200 Code of Federal Regulations helpful.

2. 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 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, lease and repair of equipment.

ALLOWABLE OPERATIONAL EXPENSES

- Computer purchases costing under \$5,000. EFAP is following the Uniform Guidance that defines computer purchases costing under \$5,000 as supplies.

3. **Operational Expenses Are Limited**

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

4. **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

Vouchers and Allowable Expenses

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a 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 voucher 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.
 - Water
- 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 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 sweetened beverage or powdered drink mix to make, punch drinks or 'ades', all flavored water, Gatorade, Sobe-type drinks, Powerade, pre-made teas, any energy drinks, on-the-go drink packets, all sports drinks. (**Note:** Bottled water is allowed)
- 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.

VOUCHERS AND ALLOWABLE EXPENSES

- Any kind of tobacco products.
 - Any kind of desserts, such as ice cream, pies and cakes.
 - Any kind of donuts, breakfast pastries and muffins.
 - 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.

EXPENDITURE AND DATA REPORTS

Required Expenditure and Data Reports

This procedure applies to tribal contractors, tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

1. Contractors Shall Choose to Submit Monthly Expenditure Reports either Monthly or Quarterly

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. 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.
 - 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.
 - WSDA staff may occasionally ask for backup documentation for charged expenditures.
- Contractors providing monthly reports must submit reports to WSDA by the 20th of each month following the month the costs were incurred.
- Contractors providing quarterly reports must submit reports to WSDA by the 20th of the month following the end of each calendar quarter. Those dates are:

EXPENDITURE AND DATA REPORTS

- By October 20th, the first quarter reports, which includes the three reports for the July, August and September reports.
 - By January 20th, the second quarter reports, which includes October, November, and December.
 - By April 20th, the third quarter reports, which includes January, February, and March.
 - By July 20th, 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 20th.
 - 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.
4. **Closeout 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.
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.

EXPENDITURE AND DATA REPORTS

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:

Due Date	EFAP REPORT
20 th of the month following provision of services	Monthly reporting contractors – <ul style="list-style-type: none"> • Monthly invoice / request for reimbursement • Demographics – new and returning clients by age group and pounds of food data.
The 20 th of the month following the quarter for the provision of services: October 20, January 20, April 20 and July 20.	Quarterly reporting contractors <ul style="list-style-type: none"> • Quarterly invoice / request for reimbursement • Demographics – new and returning clients by age group and pounds of food data.
Forty-five days after the close of the fiscal year.	Tribal contractors and subcontractors – <ul style="list-style-type: none"> • Emergency Food Assistance Closeout Report
Annually, 9 months following end of contractor’s fiscal year	<ul style="list-style-type: none"> • Single Audit Report, if applicable • Financial Audit, if applicable and if contractor is conducting an annual audit.

EXPENDITURE AND DATA REPORTS

Due Date	EFAP REPORT
Every two years, 9 months following the end of contractor's fiscal year	<ul style="list-style-type: none">• Financial Audit or Accounting System Verification Form, if applicable
Within 30 days of contract execution and thereafter upon each renewal.	<ul style="list-style-type: none">• Insurance certificates

Forms listed above may be downloaded from the FA website at:

<https://agr.wa.gov/services/food-access/hunger-relief-agency-hub/food-assistance-forms>.

SECTION 5: COMPLIANCE MANAGEMENT

Section 5: Compliance Management

EFAP PROCEDURES MANUAL SECTION 5: COMPLIANCE MANAGEMENT

Contractor's Program Management and Administration

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a 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.
- With any increase or reduction in funding, the WSDA will send the contractor a contract amendment specifying the amount of the reduction or increase.
 - The contractor must also send an amendment to all affected subcontractors indicating their budget changes, where applicable.
 - WSDA will issue more detailed instructions with any changes in funding.

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.
- If all funds are not spent, they will be reallocated to other tribes or EFAP organizations in your area.

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.

4. 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.

PROGRAM ADMINISTRATION

- 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-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.

5. **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.
- Provide subcontractors with program resources such as the EFAP-Tribal Procedures Manual.
- Offer technical assistance to help subcontractors carry out their EFAP obligations.

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

Notification of required attendance at meetings will be sent by FA 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.

Contractors may also require subcontractors to attend meetings or trainings 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.

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. 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.

WSDA PROGRAM MANAGEMENT

- 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.

CONTRACT COMPLIANCE

Contract Compliance

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a 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, WSDA may reduce funds available based on actual performance and negotiation between WSDA and the contractor.

- Contractors may also reallocate funds from one of its subcontracting food pantries to another, with WSDA's permission, if a subcontractor does not claim, or only partially spends, its portion of the allocated funds.
- 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.
- If WSDA terminates the contract for cause, contractor may request a dispute review as provided under 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.

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- 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 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**
- 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

Dispute Policy for Contractors

This policy applies to tribal contractor that use EFAP funds for a voucher program.

When a dispute arises between WSDA Food Assistance and the contractor that cannot be resolved by direct negotiation, the contractor may request review by WSDA's Director, who may designate another person (designee) to hear the dispute, as follows:

1. Disputing a WSDA Food Assistance's (FA) Decision

- Contractors may appeal to WSDA any substantive decision of FA 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.
- FA must provide contractors with a copy of the dispute policy prior to or with any substantive decision.
- Any decision of FA 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;
 - State the disputed issues;
 - State each party's position;
 - Be mailed to the director, with a copy to the WSDA Food Assistance Program Manager within fifteen 15 working days after the parties agree that they cannot resolve the issue.
- The WSDA Food Assistance Program Manager 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 Disputes section of the contract, before filing a claim in any tribunal.

DISPUTE POLICY FOR SUBCONTRACTORS

Dispute Policy for Subcontractors

This policy applies to tribal contractors and tribal subcontractors that use EFAP funds for a voucher program.

When a dispute arises between the contractor and a subcontractor that cannot be resolved by direct negotiation, the subcontractor must follow the contractor's dispute process. The contractor dispute resolution process shall not include WSDA as the arbitrator. WSDA is available to review and provide feedback to contractors when they are dealing with a subcontractor dispute.

1. The Contractor Shall Establish a Dispute Process

The contractor shall establish a process 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 within 45 days of the subcontract execution date.

SECTION 6: APPENDIX

Section 6: Appendix

EFAP PROCEDURES MANUAL SECTION 6: APPENDIX

FOOD ASSISTANCE FORMS AND PUBLICATIONS

Food Assistance Forms & Publications

Available for download on the Food Assistance Website at: <https://agr.wa.gov/services/food-access/hunger-relief-agency-hub/food-assistance-forms>.

Accounting / Audit Forms:

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

EFAP-Tribal Forms:

Intent to Apply:

- EFAP-Tribal Intent to Apply Biennium Instructions (Publication No. AGR 609-448)
- EFAP-Tribal Intent to Apply Form (AGR-2197)

Application Documents:

- Biennial EFAP-Tribal Application Handbook (Publication No AGR 609-761)
- EFAP-Tribal Application (AGR-2210)
- EFAP-Tribal Allocations (AGR PUB 609-470)

Invoice Template:

- EFAP-Tribal Program Invoice Template (AGR-2228)

Subcontract:

- EFAP-Tribal Subcontract (AGR-2213)

Equipment Guidelines and Forms:

- Equipment Procurement Requirements and Guidelines (Publication No. 609-454)
- Food Assistance Equipment Purchase Request / Approval Form (AGR-2204)
- Food Assistance Equipment Disposition Requirements (Publication No. 609-2204)
- Equipment Disposal Request / Approval Form (AGR-2203)
- EFAP Tribal Allocations (AGR PUB 609-470)