

Section 9

Terms, Definitions, and

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Terms and Definitions

Administrative costs – Costs that are necessary to ensure the efficient and effective administration of the program, in accordance with 2 CFR Part 200, Subpart E and USDA implementing regulations 2 CFR Part 400 and Part 415, which set out the principles for determining whether specific costs are allowable.

Administrative review official – An impartial person that presides over the fair hearing. The ARO is 1) appointed by TDA, 2) familiar with CSFP requirements, and 3) not involved in the action that is being appealed. The ARO makes a final determination in the case.

Adverse action – A decision, action, or inaction that negatively affects participation in CSFP.

For a CE or site, adverse action may include the following:

- Agreement termination or suspension before the stated expiration date
- Denial of payment or rejection of a statement of costs, in whole or in part
- Demands for settlement or repayment of funds
- A claim against a CE to repay the value of USDA Foods received as a result of fraud

For applicants and participants, adverse action may include the following:

- Denial of CSFP benefits
- Discontinuance of CSFP benefits
- Disqualification from the CSFP
- A claim to repay the value of USDA Foods received as a result of fraud
- Claims of not being provided a fair share of USDA Foods

Aggregate – Total amount of a single invoice for a single purchase of product(s) or service(s). The purchase(s) can occur weekly, monthly, or annually.

Appeal – A request for the review of an adverse action through a fair hearing.

Applicant – Any person who applies to receive CSFP benefits. Applicants include CSFP participants applying for recertification.

Authorized representatives – An authorized representative is an individual who is individually authorized on behalf of the contracting organization to

- make written agreements with TDA,
- sign documents or reports about the agreement, and
- present claims for reimbursement, when appropriate.

An authorized representative must be an employee of the organization.

Boarder – A person who pays to live and have daily meals at another person's house.

Caseload – The monthly average number of persons that a contracting entity is authorized by TDA to serve over a specified period of time.

Certification – The use of criteria and procedures to assess and document each applicant's eligibility for the CSFP.

Certification site – A site that certifies applicant eligibility.

Charitable institution – An organization that

- Possesses tax-exempt status.
- Provides food assistance to eligible people.
- Is public.

A CI is not 1) a penal institution nor 2) a correctional institution that conducts rehabilitation programs.

Child and Adult Care Food Program – Nutrition program that provides aid to child and adult care institutions and family or group day care homes.

Claim – An actual participation report submitted for the purpose of receiving financial assistance with administrative costs associated with a CSFP operation.

Code of Federal Regulations – The codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the federal government. 7 CFR 247 and 250 guide the operation and administration of CSFP.

Commodities (or donated commodities) – A term identifying food donated to the states by USDA for distribution to eligible persons and households. If so specified, the term also includes food donated from non-USDA sources. Also referred to as *donated foods* or *USDA Foods*.

Compliance review – The review TDA conducts of its CEs or their subdistributing agencies, and the review that a CE conducts of its subdistributing agencies. Also referred to as an administrative review.

Contracting entity – An entity that holds a CSFP agreement with TDA. A food bank is an example of a CE.

Corrective action document – Developed by a CE, subdistributing agency, or site to correct noncompliance relating to CSFP operations, sometimes referred to as a corrective action plan.

Covered contracts – Three types of covered contracts exist.

1. Any nonprocurement transaction that involves federal funds of any amount. This type of transaction includes (but is not limited to) a subgrant between the TDA and the CE or between the CE and the subdistributing agency.
2. Any procurement contract for goods or services at or above the small-purchase threshold of \$50,000.
3. Any procurement contract for goods or services where a person or entity will have a critical influence on or substantive control over the covered transaction. Such a person or entity includes (but is not limited to) the following:

- Consultant,
- Principal investigator,
- Provider of audit services required by the TDA or a federal funding source, or
- researchers.

Also, see *debarment*.

Current income – Money received by the applicant during the month previous to the month of application for USDA Foods assistance.

Debarment – An action taken by a debaring official to exclude a person or entity from participating in covered contracts. A person or entity so excluded is “debarred.”

Denial of benefits – Upon review of an application, a determination that a participant is ineligible.

Direct cost – Expenses that can be identified specifically with a particular cost objective used to meet a specific program goal or goals.

Direct shipment – A truckload that contains one type of USDA Food delivered directly by a USDA vendor to single or multiple destinations.

Discontinuance – Cessation of administering CSFP, which can occur for reasons including, but not limited to, the following:

- A participant becomes ineligible during the certification period
- Consecutive missed distributions
- Insufficient number of caseload slots
- Fraud

NOTE: If CEs choose to use the CSFP Missed Distribution Poster, it must be hung near the “And Justice for All” poster.

Distribution receipt – A receipt to document the receipt of USDA Foods by a contracting entity or subagency.

Distribution site – A site that distributes USDA Foods in agreement with a contracting entity.

Economic unit – A group of related or unrelated people who share housing and all other significant income and expenses.

Electronic receipting – The entering of shipment receipts into an online management system such as TX-UNPS or WBSCM.

Elderly person – A person 60 years of age or older.

Fair hearing – An opportunity that allows an applicant, participant, or contracting entity to present its case to an administrative review official.

Federal Fiscal year – A period from October 1 through the following September 30.

Food and Nutrition – The Texas Department of Agriculture division that administers certain USDA federal nutrition programs in Texas.

Food and Nutrition Service – The USDA agency that administers CSFP and other USDA nutrition programs.

Food bank – A public or charitable institution that regularly provides donated food or food products to other institutions that prepare meals or distribute food to eligible persons regularly as an integral part of their normal operations. “Other institutions” include food pantries, soup kitchens, hunger relief centers, and other food or feeding centers.

Food loss – When food provided by USDA does not reach its end-user. Reasons for loss include negligence, fraud, waste, theft, spoilage, damage, or the fact that an inventory control system cannot account for the food’s absence (because of a mis-pull, for instance).

Food pantry – A public or private nonprofit organization that distributes foods donated by USDA or others to eligible households.

Fraud – The intentional concealment or willful misrepresentation of information to receive USDA Foods.

Homebound elderly persons – Persons who are, in the judgment of a contracting entity, unable to obtain monthly food packages without assistance provided by or through the contracting entity.

Household – An individual or group of related or non-related individuals (excluding boarders and residents of institutions) who live together as a single economic unit and customarily purchase and prepare food in common.

Indirect cost – Expenses are incurred for the benefit of multiple programs or functions and are necessary for the general operation of CSFP but cannot be directly attributable to the program.

In-kind replacement – The replacement of USDA Foods losses with a quantity of the same food, of U.S. origin, that is of equal or better quality than the lost food and that is of at least equal monetary value to USDA's cost of replacing the lost food. TDA must approve the replacement of USDA Foods losses with in-kind items.

Invitation for Bid – A formal method of procurement that uses sealed bidding and results in a fixed-price contract. The primary consideration is cost, and the expectation is that competitive bids will be received and an acceptance (award) will be made to the bidder whose bid is lowest in price.

Means-test – A method for determining a household’s eligibility for receipt of USDA Foods based on income.

Multi-food shipment – A truckload that consists of various foods of similar storage type delivered by a USDA-contracted warehouse to single or multiple CSFP CEs.

Monitor review – The review a CE or TDA conducts of a site.

Misuse of USDA Foods – Includes (but is not limited to) selling, trading, or giving them to ineligible

persons.

Negligence – Improper distribution or use of USDA Foods; or failure to properly store, handle, or care for the food.

Nonprofit organization – A private agency or organization with tax-exempt status under the Internal Revenue Code. Also referred to as a charitable organization.

Operational issues – Often revealed during a compliance review. Examples include (but are not limited to) the following:

- Severe understaffing (not enough personnel to properly operate the program)
- Major physical issues with the facility(ies) where USDA Foods are stored
- Severe pest infestation that is not kept under control promptly

Participants – Elderly persons who receive supplemental foods under CSFP, also referred to as recipients.

Perpetual inventory – An ongoing accounting system that requires daily entries to document the amounts of food added to or removed from storage.

Physical inventory – The actual number of food items in storage and/or the process to manually count and record each item.

Policy – Any instructions, guidance, rules, laws, handbooks, manuals, etc. issued by USDA or TDA to clarify or explain existing rules and regulations (both federal and state).

The policies for operating and administering CSFP are based on 7 CFR 247 and 250 (as applicable). TDA may communicate CSFP policy by *CSFP Handbook*; emails; forms and form instructions; and other types of communication. TDA may implement changes 1) before amending state rules; 2) as required by federal laws and regulations, and 3) as needed to implement an option allowed by federal laws, federal regulations, or state rules.

Procurement – The orderly process of acquiring, by lease or purchase, goods and services such as food, meals, equipment, bookkeeping, and auditing.

Program Specialist – A TDA employee who is responsible for approving and denying program applications, monitoring program operations of CEs, providing technical assistance, or resolving disputes.

Program year – The year under which the program operates. For CSFP, this coincides with the federal fiscal year.

Proxy – A person designated by a participant to act for the participant throughout every step of the CSFP process: application, signature, certification, food package distribution, and recertification.

Resident – Individual who lives in the service area. At the time of application, households must have established residency within the service area. While federal regulations state that a minimum length of residency is not required to establish eligibility, the intent of the program is to serve individuals who live

in the area and are not visiting temporarily. Overnight residency or an overnight stay does not meet the intent of the regulation.

Service area – The specific geographical area served by a single CSFP CE. Service areas are determined by predefined areas within the state, including, but not limited to, the following: county or counties; zip codes; or neighborhoods.

Site – Refers to *certification site, distribution site, or storage site*; and to all of these sites together. Each site enters into an agreement with a CE to certify participants and/or to receive, handle, distribute, or store USDA Foods.

Subagency – The collective term for subdistributing agencies and sites.

Subdistributing agency – An entity (usually a food bank) that holds a CSFP agreement with a CE. Not all CEs have subdistributing agencies.

Storage site – A site where USDA Foods are stored for later distribution to CSFP participants.

Supplemental foods – Foods donated by the U.S. Department of Agriculture for use by eligible persons in low-income groups who are vulnerable to malnutrition.

Tax-exempt – Refers to a nonprofit agency or organization's status with the IRS, such as §501(c)(3) of the IRS Code, which exempts the agency or organization from paying income tax.

Texas Unified Nutrition Programs System (TX-UNPS) – The web-based application, ordering, and claims processing system for all food and nutrition programs managed by TDA.¹

Unique entity identifier – An identification by which entities doing business with the federal government create an identification that replaces previous methods of identification. For more information, please visit SAM.gov.

User access manager – A designated person at each CE who is responsible for security management of users within that entity. The UAM can add, modify, and deactivate users, ensures users have the correct security permissions and helps users with their password resets directly in Texas Unified Nutrition Programs System. For more information, please access SquareMeals here:

<https://squaremeals.org/FandNResources/TXUNPSProgramResources/TXUNPSUserAccessManager.aspx>.

USDA Foods – Foods purchased by USDA and provided to states for distribution to eligible recipient agencies; previously referred to as donated foods or USDA-donated commodities or commodities.

U.S. Department of Agriculture – The federal agency responsible for administering CSFP.

Waitlist – The waitlist (or **wait list**, **waiting list**) contains eligible, certified applicants who are waiting for a caseload slot. When a caseload slot becomes available, CEs must take wait-listed applicants in the order they applied. The waitlist must include at least

1. the applicant's name,

¹ Access TX-UNPS through www.SquareMeals.org.

2. address or telephone number, and
3. date the applicant is placed on the waitlist.

Web-Based Supply Chain Management System – The web-based ordering and procurement system for USDA Foods. All USDA Foods orders, solicitations, bids, awards, deliveries, invoices, and payments occur in WBSCM, and all business partners are required to use this system.

Acronyms

ADA	Americans with Disabilities Act
ARO	administrative review official
CACFP	Child and Adult Care Food Program
CAD	corrective action document
CE	contracting entity
CFR	Code of Federal Regulations
CI	charitable institution
CSFP	Commodity Supplemental Food Program
CY	contract year
FDP	Food Distribution Program
FMV	fair market value
F&N	Food and Nutrition at the Texas Department of Agriculture
FNS	U.S. Department of Agriculture Food and Nutrition Service
FY	fiscal year
IFB	invitation for bid
IRS	U.S. Internal Revenue Service
NSLP	National School Lunch Program
PY	program year
RFP	request for proposal

SBP	School Breakfast Program
SFMNP	Senior Farmers’ Market Nutrition Program
SFSP	Summer Food Service Program
SMP	Special Milk Program
SNAP	Supplemental Nutrition Assistance Program (formerly Food Stamps)
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families
TDA	Texas Department of Agriculture
TEFAP	The Emergency Food Assistance Program
TX-UNPS	Texas Unified Nutrition Programs System
UAM	user access manager
UEI	unique entity identifier
USDA	U.S. Department of Agriculture
WBSCM	Web-Based Supply Chain Management System