



## SUMMER FOOD SERVICE PROGRAM

### TEXAS POLICY

In Texas, organizations contracting directly with the Texas Department of Agriculture (TDA) to operate nutrition programs federally funded through the United States Department of Agriculture (USDA) are called Contracting Entities, or CEs. The Summer Food Service Program (SFSP) is a federally funded nutrition program and, as such, sponsors are considered CEs. CEs operating the Seamless Summer Option (SSO) should reference the *Administrator's Reference Manual (ARM) Section 12, Seamless Summer Option*, for guidance.

Each year, the USDA publishes the SFSP *Administrative Guidance for Sponsors (AGS)* which provides federal policy, program guidance and information for all CEs that participate or plan to participate in SFSP. TDA occasionally issues a Texas Policy that supplements federal policy found in the AGS.

### **Amendments to the Summer Food Service Program (SFSP)**

In the Food and Nutrition Division (FND) Permanent Agreement (known as the Permanent Agreement), CEs agree to perform according to the CE's application and any approved amendments to the application or the Permanent Agreement. CEs also agree to perform according to policy statements and supporting documents provided by USDA and TDA. Approved changes to a SFSP application and support documents do not require an amendment to a CE's Permanent Agreement.

A CE's SFSP application and Permanent Agreement can only be amended with TDA approval. This Texas policy provides guidance and information on the type of amendments which must be made by a CE to an approved SFSP application and the type of amendments which are made to a CE's Permanent Agreement.

### **Amendments to the SFSP Application**

Once a CE's application is approved, a CE may submit changes, or amendments, to the SFSP application. Amendments can be made online via the Texas Unified Nutrition Programs System (TX-UNPS). **NOTE:** 2 CFR 200.308 requires CEs to report changes in budget, personnel, and scope of the SFSP to TDA.

CEs must submit an application amendment whenever an approved application (packet) is modified, which includes any of the following items:

- Adding or deleting an approved site

- Adding, deleting, or changing a field trip
- Changing an approved food production facility
- Adjusting the approved maximum meal level at a site, also known as the average daily participation (ADP)
- Address changes
- Name changes to, including, but not limited to, the following items:
  - Sites
  - Staff/personnel
- Changes to approved meal types
- Changes to approved meal times
- Changes to approved meal service start and/or end dates
- Changes of an authorized representative as indicated on the *Certificate of Authority for External Users* (Form FND-101)
- Significant changes to the approved budget, or if TDA determines a budget amendment is needed, including, but not limited to, any of the following:
  - A single line-item amount which increases or decreases by at least 20%
  - The addition of a new line item in the operation and/or administrative budget(s)
  - Any change to the overall budget which increases or decreases the overall budget amount by 20%
  - Moving one line item amount to another line item amount even if the overall total budget amount remains the same
- Any other changes affecting reimbursement, including, but not limited to, the following:
  - Changing from a self-prep to a vended site
  - Changing from a vended to a self-prep site

A CE's claim for reimbursement may be delayed or negatively affected if amendments are not properly requested in advance.

**NOTE:** TDA may require a CE to submit supporting documentation justifying the amendment; if additional documentation is required before TDA can approve an amendment, TDA will notify the CE.

#### When to Submit SFSP Application Amendments

CEs must submit complete and correct amendments, with all supporting documentation required, **no later than 15 calendar days prior to the desired effective date**. If an amendment is not submitted within the 15 calendar day timeframe, the requested amendment may not be approved by the desired effective start date.

**NOTE:** Amendments to the average daily participation at a site may be submitted prior to the submission of a claim. See SFSP Clarification of Federal Policy, *Average Daily Participation (ADP) and Site Caps in the SFSP*, which can be found on "Summer Feeding Policy & Handbooks" on [www.summerfood.org](http://www.summerfood.org) for more information.

## **Amendments to the Food and Nutrition Division Permanent Agreement**

There are two types of Permanent Agreement amendments:

- Universal amendments
- Contracting Entity-specific amendments

### **Universal Agreement Amendments**

TDA initiates universal amendments. Universal amendments are modifications to the terms and conditions of the Permanent Agreement that apply to all CEs operating under the Permanent Agreement. Universal Agreement Amendments include amendments that are specific to a particular program, regardless of whether a particular CE has been approved to participate in that program.

### **Contracting Entity-Specific Agreement Amendments**

Contracting Entity-specific amendments can be initiated by either TDA or the CE. These amendments are limited to the following:

- Adding participation in an F&N-administered program
- Deleting participation in an F&N-administered program
- Changing the name of the CE in which the Employee Identification Number (EIN) remains the same under the existing Permanent Agreement
- Changing the name of the CE in which other documentation establishing its legal identity remains the same under the existing Permanent Agreement

Whenever necessary, TDA will amend a CE's Permanent Agreement using the appropriate amendment form to indicate a CE's current participating status and/or organization name.

A Contracting Entity-specific amendment initiated by a CE to add or delete a program can be withdrawn. The CE may decide not to participate in the program being added or continue participation in the program being deleted. In the event that a CE decides to withdraw a Contracting Entity-specific amendment, TDA must be notified in writing. For Contracting Entity-specific amendments related to the SFSP, CEs may email TDA at [SFSP.BOps@TexasAgriculture.gov](mailto:SFSP.BOps@TexasAgriculture.gov).

If a CE fails to return a Contracting Entity-specific amendment to TDA and/or does not notify TDA that the CE wishes to withdraw the action, the CE's Permanent Agreement may be terminated for cause.

The forms *Permanent Agreement Contracting Entity Specific Amendment* and *Permanent Agreement Contracting Entity Specific Amendment – Name* can be found under "Summer Feeding Administration & Forms" on [www.summerfood.org](http://www.summerfood.org).