

TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: November 7, 2019

To: All Holders of *The Emergency Food Assistance Handbook*

Revision No: 19-03

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*, Sections 1000 - 5000 and Sections 7000 – 9000 and related Documents

Section 1000, Introduction

- Revised to remove references to appeals.
- Other minor revisions made to improve clarity.

Section 2000, Eligibility and Application Requirements

- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Other minor revisions made to improve clarity.

Section 3000, Program Agreement

- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Revised to reflect the latest policy and guidance.
- Other minor revisions made to improve clarity.

Section 4000, Managing the Program

- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Revised to reflect the latest policy and guidance.
- Other minor revisions made to improve clarity.

Section 5000, Visits, Reviews, and Audits

- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Revised to reflect the latest policy and guidance.
 - *FD-104, Value of USDA Donated Foods for Audits (Revised)*
 - *FD-037, Office of Management and Budget Uniform Guidance Audit Requirements (Revised)*
 - *2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
- Other minor revisions made to improve clarity.

Section 7000, Financial Management

- Revised to reflect the latest policy and guidance including the requirements in *2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
- Other minor revisions made to improve clarity.

Section 8000, Denials and Terminations

- Revised name of the Section.
- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Other minor revisions made to improve clarity.

Section 9000, Terms, Definitions, and Acronyms

- Revised to change the name of the *Commodity (USDA Foods) Agreement Between Contracting Entity and the Texas Department of Agriculture* (“Commodity Agreement”) to *The Emergency Food Assistance Program Agreement Between Contracting Entity and Texas Department of Agriculture* (“TEFAP Agreement”).
- Revised to remove reference to appeals.
- Other minor revisions made to improve clarity.

This revision of Section 1000 replaces the July 2015 version.

This revision of Section 2000 replaces the July 2015 version.

This revision of Section 3000 replaces the July 2015 version.

This revision of Section 4000 replaces the March 2018 version.

This revision of Section 5000 replaces the July 2015 version.
The revision of Section 7000 replaces the January 2019 version.
The revision of Section 8000 replaces the July 2015 version.
The revision of Section 9000 replaces the March 2019 version.

NOTE: The style and format of this handbook are under revision. All sections will eventually undergo the bulleted list of changes below. The text was reformatted for readability.

- Some portions of the text were moved for context and logical flow.
- Some text was rewritten for clarity as well as for proper grammar, usage, and punctuation.
- Terminology was updated to reflect current TDA usage.
- The updated, tiered table of contents better aids navigation.
- Navigation to information on SquareMeals is updated.
- Footnotes now provide information that otherwise would clutter the text.

Upon complete revision of the entire handbook, TDA will correlate numbers or headings throughout. Until then, some internal references may not be accurate. TDA suggests that CEs search the text by key words or phrases. If necessary, email the USDA Foods Program Specialist at CommodityOperations@TexasAgriculture.gov for help locating information.

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In addition to the revisions to the TEFAP Handbook, revisions were made to the following TEFAP Documents:

Instructions, H1638, Report of Loss of USDA Foods

- Reformatted the instructions and made updates consistent with revisions to the Handbook summarized above.
- Updated contact information for USDA Foods Program Specialist.
- No changes made to H1638, Report of Lost of USDA Foods.

Participant Rights and Responsibilities

- Revised to remove reference to appeals.

Agreement Between Contracting Entity and Site

- Revised to remove reference to appeals.
- Other minor revisions made to improve clarity.

Agreement Between Contracting Entity and Subdistributing Agency

- Revised to remove reference to appeals.
- Other minor revisions made to improve clarity.

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The *TEFAP Handbook* is available through the Texas Department of Agriculture (TDA) Internet site at <http://www.squaremeals.org/>; select Programs, The Emergency Food Assistance Program, and then TEFAP Policy & Handbook.

If you download and saved a copy of the *TEFAP Handbook* on your computer, delete the section indicated above and replace it with a downloaded copy of the revised section or save a complete handbook which includes the revised section indicated above.

TDA does not require you to print a copy of the *TEFAP Handbook*. During a review, TDA will verify that that you and your employees know how to access the handbook online. TDA will not, however, verify whether you possess a printed copy of the handbook.

TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: June 28, 2019

To: All Holders of *The Emergency Food Assistance Handbook*

Revision No: 19-02

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*, Section 6000

Section 6000, *Civil Rights*, of the TEFAP Handbook has been **revised** to reflect the latest policy and guidance.

This revision of Section 6000 replaces the December 2015 version.

The *TEFAP Handbook* is available through the Texas Department of Agriculture (TDA) Internet site at <http://www.squaremeals.org/>; select Programs, The Emergency Food Assistance Program, and then TEFAP Policy & Handbook.

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TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: January 7, 2019

To: All Holders of *The Emergency Food Assistance Handbook*

Revision No: 19-01

Effective: **January 1, 2019**

Subject: Revisions to *TEFAP Handbook*, Section 7000

Section 7000, *Financial Management*, of the TEFAP Handbook has been **revised** to reflect the changes as indicated below.

7311, Micro-Purchase Method – Effective January 1, 2019, the micro-purchase threshold increased from \$3,500 to \$10,000. The increased micro-purchase threshold is only applicable to those procurements conducted on or after January 1, 2019.

This revision of Section 7000 replaces the July 2018 version.

The *TEFAP Handbook* is available through the Texas Department of Agriculture (TDA) Internet site at <http://www.squaremeals.org/>; select Programs, The Emergency Food Assistance Program, and then TEFAP Policy & Handbook.

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TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: August 16, 2018

To: All Holders of *The Emergency Food Assistance Handbook*

Revision No: 18-04

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*, Sections 11000 and 12000

The style and format of this handbook are under revision. All sections will eventually undergo the bulleted list of changes below. This current revision covers Section 11000, *Resources*; and Section 12000, *Frequently Asked Questions*.

- The text was reformatted for readability.
- Some portions of the text were moved for context and logical flow.
- Some text was rewritten for clarity as well as for proper grammar, usage, and punctuation.
- Terminology was updated to reflect current TDA usage.
- The updated, tiered table of contents better aids navigation.
- Navigation to information on SquareMeals is updated.
- Footnotes now provide information that otherwise would clutter the text.

Upon complete revision of the entire handbook, TDA will correlate numbers or headings throughout. Until then, however, references to titles or item numbers might not be accurate. TDA suggests that CEs search the text by key words or phrases. If necessary, email the Program Specialist at CommodityOperations@TexasAgriculture.gov for help locating information.

Changes, Additions, and Deletions
Section 11000

Damaged or Short Shipments – Deleted from this section because it appears elsewhere in the handbook.

Food Assistance for Disaster Relief – Deleted from this section because it appears elsewhere in the handbook.

The Emergency Food Assistance Program Guidelines for Distributing USDA Foods – Deleted from this section because it appears elsewhere in the handbook.

USDA Foods Available – Deleted outdated location text from this item.

Training – Deleted from this section because it appears elsewhere in the handbook.

Texas Department of Agriculture Civil Rights Training – Deleted from this section because it appears elsewhere in the handbook.

Changes, Additions, and Deletions

Section 12000

Questions and Answers about Food Quality and Safety for Households – Deleted to avoid repetition with updated guidance.

Guidance for Households on Safe Storage Practices – Deleted to avoid repetition with updated guidance.

Guidance for Households: Food Safety Best Practices for Households – Added to direct readers to USDA's food safety resources at <https://www.fns.usda.gov/food-safety/food-safety-resources>.

The August 2018 revision of Section 11000 replaces the March 2018 version. The August 2018 revision of Section 12000 replaces the November 2017 version.

The *TEFAP Handbook* is available through the Texas Department of Agriculture (TDA) Internet site at <http://www.squaremeals.org/>; select Programs, The Emergency Food Assistance Program, and then TEFAP Policy & Handbook.

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TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: July 9, 2018

To: All Holders of *The Emergency Food Assistance Program Handbook*

Revision No: 18-03

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*, Section 7000

The style and format of this handbook are under revision. All sections will eventually undergo the bulleted list of changes below. This current revision covers Section 7000, *Financial Management* (formerly *Procurement*).

- The text was reformatted for readability.
- Some portions of the text were moved for context and logical flow.
- Some text was rewritten for clarity as well as for proper grammar, usage, and punctuation.
- Terminology was updated to reflect current TDA usage.
- The updated, tiered table of contents better aids navigation.
- Navigation to information on SquareMeals is updated.
- Footnotes now provide information that otherwise would clutter the text.

Upon complete revision of the entire handbook, TDA will correlate numbers or headings throughout. Until then, however, references to titles or item numbers might be inaccurate. TDA suggests that CEs search the text by key words or phrases. If necessary, email the Program Specialist at CommodityOperations@TexasAgriculture.gov for help locating information.

Changes and Additions
Section 7000

Financial Management (the section title) — Previously *Procurement*. Revised section name better reflects content.

Financial Management – This subsection was added based on 2 CFR 200.302 provide general information about financial management.

Cost Principles — Added based on 2 CFR 200.302 to explain cost principles; and allowable and unallowable costs.

Standards of Conduct — The changes to this subsection are from 2 CFR 200.318 to provide clarity about standards of conduct.

Full and Open Competition — The changes to this subsection fully express the intent of 2 CFR 200.319.

Written Procurement Procedures — This subsection is revised per 2 CFR 200.318 to provide details about written procedures.

Procurement Methods — Changes to this subsection, which explains details about procurement methods, are from 2 CFR 200.320.

Noncompetitive Method — The changes to the subsection are from 2 CFR 200.320(f) to explain the details of noncompetitive procurement methods.

Bonding Requirements — Changes to this subsection are per 2 CFR 200.325 to provide details about the use and requirement of bonds.

Solicitation — Revisions to this subsection per 2 CFR 200.319 to detail information about solicitations.

Contracts — Additions to this subsection are based on 2 CFR 200 Appendix II to provide further information about contracts.

Contract Negotiation for an RFP — Changes to this section based on 2 CFR 200.320 to clarify negotiation for an RFP.

Contract for an IFB — Changes to this subsection based on 2 CFR 200.320 to provide details about a contract for an IFB.

Contract Management — Added per Appendix II of Part 200 to express details of contract management.

Clean Air and Water Act and Federal Water Pollution Control Act — Edits made based on 2 CFR 200 Appendix II. (G) to provide citations for USC.

Equal Employment Opportunity — Edits made based on 2 CFR 200 Appendix II. (C) to provide a citation for and a brief explanation of the EEO.

Copeland Anti-Kickback Act — Edits made based on 2 CFR 200 Appendix II. (D) to provide citations about Copeland.

Davis-Bacon Act — Edits made based on 2 CFR 200 Appendix II. (D) to provide citations about the Davis-Bacon Act.

Contract Work Hours and Safety Standards Act — Edits made based on 2 CFR 200 Appendix II. (E) to provide citations and an outline of the act.

Rights to Inventions Made Under a Contract or Agreement — Edits made per 2 CFR 200 Appendix II. (F) to provide a brief description of rights.

Small and Minority Businesses, Women’s Business Enterprise, and Labor Surplus Area Firms — Addition based on 2 CFR 200.321 to provide a brief description of federal regs.

Protest — Addition based on 2 CFR 200.318 to provide further details about protests.

Records Retention — Added based on 2 CFR 200.333 to provide information about record retention.

Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms — Revisions based on 2 CFR 200.321 to provide additional guidance.

Compensation for Purchased Services — Revisions to this subsection based on 2 CFR 200.319.

Disputes — Clarification based on 2 CFR 200.318.

This section was rewritten to include recent changes in federal regulations.

The July 2018 revision of Section 7000 replaces the July 2015 version.

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TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: March 5, 2018

To: All Holders of *The Emergency Food Assistance Program (TEFAP) Handbook*

Revision No: 18-02

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*

This revision covers the following sections and forms:

1. Section 4000, *Managing the Program*
2. Section 9000, *Terms, Definitions, and Acronyms*
3. Section 11000, *Resources*
4. *Household Application for USDA Foods (H1555)*
5. Instructions for *Household Application for USDA Foods (H1555)*
6. *Participant Rights and Responsibilities* (previously titled *Participant Agreement, Rights, Obligations, and Fair Hearing Request*)

The entire TEFAP Handbook is undergoing revision. As revisions progress, existing references to revised item numbers and subheads will become outdated. This issue will resolve upon the complete revision of the handbook. Remember to search by key word or topic to maximize the search results.

All sections will eventually undergo the bulleted list of changes listed below.

- Text reformatted for readability.
- Some text revised for clarity as well as for proper grammar, usage, and punctuation.
- Terminology updated to reflect current TDA usage.
- Tiered table of contents to better aid navigation.
- Item numbers removed for formatting consistency with *Administrator's Reference Manual (ARM)*. (Contracting entities that participate in School Nutrition Programs use the ARM.)
- Add footnotes to provide additional information that would otherwise clutter the text.

Additional revisions to Section 4000, Managing the Program are below.

TEFAP Structure – Illustrates the existing structure among entities in TEFAP.

Procedures for Reporting Fraud – Revised for clarity

Eligible recipient agency – Added to clarify federal regulations.

Emergency feeding organization – Added to clarify federal regulations.

Sites Located at Religious Organizations – Added per the following USDA memos:

1. FD-138, *Written Notice and Referral Requirements for Beneficiaries Receiving TEFAP and CSFP Benefits from Religious Organizations* (June 10, 2016). This memo clarifies the written notice and referral requirements for religious organizations that receive USDA Foods through TEFAP.
2. FD-141, *Questions and Answers Related to 7 CFR Part 16: Equal Opportunity for Religious Organizations Final Rule* (November 28, 2016). This memo clarifies the implementation of the final rule *Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations*.
3. FD-142, *Further Clarification on the Prohibition Against Explicitly Religious Activities As Part of TEFAP and CSFP Activities* (November 28, 2016). This memo clarifies “explicitly religious activities” per 7 CFR 16. The memo also provides specific examples related to TEFAP.

Public Notice – Revised for clarify and per final rule *Requirements for the Distribution and Control of Donated Foods – The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Eligibility Determinations – Revised for clarity.

Request but don't require – Clarifies federal regulation.

The Proxy – Revised per USDA memo FD-099, *Questions and Answers about Waiting Lists, and Available Flexibilities in Caseload Management (Rev)*. Although this memo is issued for CSFP, it details best practices for proxies in TEFAP as well.

Residency – Revised in response to a programmatic change.

Referral to Other Sites – Added to clarify federal regulations.

Identity — Separated Identity and Citizenship into two sections. Revised to clarify federal regulations.

Citizenship — Separated Identity and Citizenship into two sections. Revised to clarify federal regulations.

Participant Rights and Responsibilities — Previously titled *Participant Agreement, Rights, Obligations, and Fair Hearing Request*. Revised to clarify use and details of the form *Participant Rights and Responsibilities*.

Appeal and Review of Adverse Action — Revised to fully explain TEFAP's appeal process.

Distribution — Revised per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Meeting the priority system — Previously titled “Non-Needy Persons Who Eat at Priorities 1 and 2.” Revised for clarity.

Ensure Orderly Distribution — Added to describe resources for an orderly distribution.

Meals for Volunteers and Staff — Revised per USDA memo FD-017, *Meals Provided to Volunteers (Rev)* (October 26, 2016). This memo outlines the conditions for providing meals to volunteers that staff distribution sites.

Insurance Requirements — Added per USDA memo FD-139, *Clarification on Inventory Protection Requirements* (September 22, 2016). This memo clarifies food insurance requirements.

Inventory Requirements — Revised to require separate inventory records for USDA Foods per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

USDA Foods Transfer — Added to explain transfers of USDA Foods per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Food Losses — Revised per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016) and for clarity.

Holds and Recalls — Revised per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Out-of-Condition USDA Foods — Revised per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Out-of-Condition upon Delivery — Added per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Record Retention — Previously titled Retention Period. Revised for clarity.

TEFAP Foods for Children — Revised per USDA memo FD-041, *Distribution of TEFAP Foods to Children (Rev)* (June 30, 2017). This memo guides the distribution of TEFAP foods to children.

Presidentially Declared Disasters and Situations of Distress — Revised per final rule, *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016) and USDA memo FD-093, *Questions and Answers about Disaster Policies and Procedures (Rev)* (December 9, 2016). The USDA memo consolidates and clarifies disaster and emergency policies in TEFAP and other programs.

Disaster Household Distribution Program — Added per final rule *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

SNAP Recruitment and Promotion — Added per USDA memo FD-143, *Prohibition of SNAP Recruitment and Promotion Activities by FDPIR and TEFAP Administering Agencies* (May 9, 2017). This memo provides further information on the final rule *Supplemental Nutrition Assistance Program Promotion*, which prohibits the use of federal funds to recruit individuals for SNAP benefits.

Various portions of text — Per the final rule, *Requirements for the Distribution and Control of Donated Foods — The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014* (April 19, 2016).

Additional revisions to Section 9000, Terms, Definitions, and Acronyms

The following definitions and acronyms have been added, revised, or deleted.

Definitions

Allocation	Means test
Appeal	Needy person
Code of Federal Regulations	Prepared meal
Congregate meal	Proxy
Denial of benefits	Recipient agency
Distribution site	Review of adverse action
Eligible person	Service area
Eligible recipient agency	Site
Emergency feeding organization	State Office of Administrative Hearings
Expiration	Subdistributing agency
Fair hearing	Termination of benefits
Food bank	USDA Foods for children

Acronyms

ARO	SNAP
CFR	SOAH
CY	SSI
DSNAP	TANF

Additional revisions to Section 11000, Resources

Presidentially-Declared Disasters and Situations of Distress — Added instructions to find disaster and situation of distress resources.

Revisions to Forms

Household Application for USDA Foods (H1555) — Revised both form and instructions based on feedback from CEs.

Participant Rights and Responsibilities — Previously titled *Participant Agreement, Rights, Obligations, and Fair Hearing Request*. Revised to clarify appeals; renamed to reflect its purpose.

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TEXAS DEPARTMENT OF AGRICULTURE
REVISION NOTICE

Date: November 16, 2017

To: All Holders of *The Emergency Food Assistance Program (TEFAP) Handbook*

Revision No: 18-01

Effective: **Immediately**

Subject: Revisions to *TEFAP Handbook*

TEFAP Handbook, Section 12000, *Frequently Asked Questions*, has been **revised** to reflect the change indicated below.

Questions and Answers about Disaster Policies and Procedures — Revised to reflect USDA memo FD-093, *Questions and Answers about Disaster Policies and procedures (Rev)*, which contains information from USDA about disaster and emergency policy and procedures.

The November 2017 revision replaces the July 2015 version.

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