

# The Emergency Food Assistance Program:

## Using Private Companies to Distribute TEFAP

**The Texas Department of Agriculture has the discretion to allow Contracting Entities to utilize a for-profit company to provide home delivery of TEFAP foods if certain conditions are met.**

### Agreements

First, consistent with 7 CFR 250.4(c) and (d), an agreement or contract must be in place between the company and the CE, which ensures that the delivery service adheres to all TEFAP program regulations (see also 7 CFR 251.2).

At a minimum, a contract or agreement for these delivery services must require the company to provide:

- I. Safe storage and transportation of TEFAP foods (to include refrigerated and frozen foods) in compliance with program regulations at 7 CFR 250;
- II. All applicable records required by the state or local agency, including at minimum a list of households distributed to; and
- III. An assurance that the privacy and confidentiality of participant information will be maintained; and
- IV. Civil Rights training for delivery personnel.

- *Note: these service agreements would not be considered site agreements as described at 7CFR 251.2(c)(2). For-profit companies do not meet the definition of a site at 7CFR 251.3(d) and so may not enter into site agreements to operate TEFAP.*

### Documents to submit to TDA

- A copy of the agreement must be submitted to TDA prior to implementing this delivery model
- A copy of the CE's plan of operation outlining the following:
  - *How TEFAP foods will be transported to ensure food safety,*
  - *How participant data will be kept confidential,*
  - *How training will be provided, and*
  - *How many households the CE is planning to serve via this distribution model.*



TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**

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## Procurement:

If the CE plans to use TEFAP administrative funds to procure for this service, they must follow procedures outlined in 2 CFR 200, subpart E, and all applicable state and local procurement regulations.

If the CE is procuring for these services, proper documentation must be maintained in accordance with the CE's procurement plan.

If the for-profit company is donating its services, the CE does not need to follow procurement regulations but must still have a contract or service agreement in place, preferably a no-cost contract or agreement.

## TEFAP CE Responsibility:

Employees of the for-profit delivery services may not collect participant information or make eligibility determinations for new participants. Additionally, such employees may not be considered proxies for participants. The CE must ensure responsibility of carrying out major local responsibilities and not pass these along to the private company.

## Delivery of TEFAP Food Packages:

- The CE must ensure TEFAP foods are not dropped off at a door or left unattended at a pick-up location.
- The CE must ensure that participant identification is not required, although it may be requested.
- The CE must ensure that proxy identification is reviewed at the time of food package distribution.



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