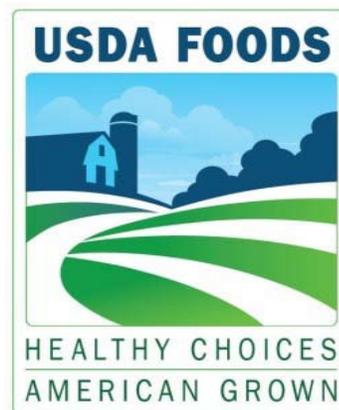




New Mexico TEFAP Program Standards and Requirements



Health Care Authority Mission:

We ensure that New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety-net services.

This institution is an equal opportunity provider.

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SECTION 1 BACKGROUND AND INFORMATION

Health Care Authority (HCA), Food and Nutrition Services Bureau (FANS) provides the New Mexico TEFAP Program Standards and Requirements manual to clarify state policy and program procedures for those agencies that are assisting in the administration of The Emergency Food Assistance Program (TEFAP). The intent of this manual is to establish and maintain a consistent statewide minimum level of service for the network distribution of TEFAP USDA Foods. The manual provides the framework for acceptable compliance to program guidelines established by the Food and Nutrition Services Bureau (FANS) and the United States Department of Agriculture (USDA) federal program regulations, found in the Code of Federal Regulations, Distribution of Donated Foods, 7 CFR § 250 and The Emergency Food Assistance Program, 7 CFR § 251.

New Mexico TEFAP Program Standards and Requirements contains information about the rules, regulations, reports and forms for TEFAP recipient agencies and their sub distributing agencies that have agreements with the New Mexico Health Care Authority to administer the TEFAP program in the State of New Mexico. The manual may be changed and updated without prior notice. Notices of the changes and updates will be available in a timely manner as appropriate.

USDA Foods are high quality, nutritious foods and are an important supplement to existing emergency food assistance resources. The standards in this guide must be followed to maintain the quality of USDA Foods for public distribution. The standards include food storage, distribution, food safety and Civil Rights.

PROGRAM INFORMATION - USDA FOODS

The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of people with low-income by providing them with emergency food assistance at no cost. Food and Nutrition Service (FNS), an agency of the United States Department of Agriculture's Food and Nutrition Service (USDA), administers TEFAP at the federal level. Additional information and TEFAP Regulations can be found at <https://www.fns.usda.gov/tefap/factsheet>

In New Mexico, the New Mexico Health Care Authority (NMHCA), Income Support Division (ISD), Food and Nutrition Services Bureau (FANS) is the designated state agency responsible for program administration. Visit the New Mexico Health Care Authority webpage <https://www.hca.nm.gov> for more information.

NMHCA currently contracts to distribute TEFAP across the state through Regional Emergency Feeding Organizations (REFOs), or regional food banks. The State Agency or its designee must ensure that USDA Foods are distributed only to eligible Emergency Feeding

Organizations (EFOs). All Emergency Feeding Organizations (EFO) must meet the definition of an “eligible recipient agency” under 251.3(d). Is a public, or private organization, possessing tax exempt status pursuant to 251.5(a)(3); and is not a penal institution; and provides food assistance – exclusively to needy persons for household consumption, pursuant NM TEFAP Income Eligibility Standards or predominantly to needy persons in the form of prepared meals pursuant to 251.5(a)(2). All EFOs must be legally authorized to operate in the State of New Mexico. Food banks, food pantries, soup kitchens, homeless shelters and similar public or private nonprofit eligible recipient agencies, in accordance with 7 CFR § 251.3 (e), are considered eligible EFOs for the distribution of TEFAP USDA Foods.

Each year USDA provides funds to each state for the purchase of USDA Foods. TEFAP includes non-surplus products – referred to as “Entitlement” food, as well as surplus USDA Foods. USDA also offers USDA Foods over and above “Entitlement” food known as “Bonus” food. “Entitlement” food and “Bonus” food is offered to states on a “fair share” basis. USDA Foods may include animal protein, vegetables, fruits, dairy, eggs, beans, grains and nuts. USDA purchases surplus domestic agricultural products as part of its price stabilization program. New Mexico receives a portion of these bonus products for distribution in TEFAP according to our Poverty (60%) and Unemployment (40%) Index.

AVAILABILITY OF MANUAL

All agencies participating in TEFAP must have and maintain a manual on site. If needed, please make additional copies or download it from the HSD TEFAP website. The manual is online at https://www.hca.nm.gov/lookingforassistance/emergency_food_assistance/

Look for future updates and information at the same site. To request a hardcopy of this manual please contact FANS at the following address:

**TEFAP Manager
HCA/ISD/Food and Nutrition Services
1425 William SE
Albuquerque, NM 87102-4661**

Cell Phone: 505-394-5758

SECTION 2 DEFINITIONS

The following is a list of federal, state, and local terms, acronyms and definitions used throughout the manual for program administration in New Mexico.

Bill of Lading (BOL)- Documentation of the contents of the shipment and other pertinent information as required in the contract of carriage.

Civil Rights (CR) - The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress.

Civil Rights Act and Regulations - Title VI of the Civil Rights Act of 1964 and other authorities as outlined in FNS Instruction 113-1 (November 8, 2005).

Client Choice - Refers to the practice of allowing food pantry clients to make a choice in determining the content of the food package received at the food pantry. The method of allowing client choice may vary based on product availability and/or limited physical space at the pantry.

Code of Federal Regulations (CFR) - The regulations governing federal programs. The regulations for TEFAP are located at Title 7 CFR § 251 and 7 CFR §250 as applicable.

Complainant - A person or group of people who allege discrimination in the delivery of program benefits or services by a state agency, local agency, or other sub-recipient agency.

Complaint - A verbal or written allegation of discrimination that indicates an FNS-conducted or -assisted program is administered or operated in such a manner that it results in disparity of treatment or services being provided to people or groups of people because of their protected bases.

Delivery - Delivery is the disbursement of USDA Foods from USDA to an Eligible Recipient Agency (ERA). In the State of New Mexico, an ERA is a Regional Emergency Food Organization (REFO) or a Local Emergency Feeding Organization (LEFO). Delivery includes the disbursement of USDA Foods from a REFO to a LEFO.

Distribution - The actual transfer of USDA Foods from a Local Emergency Food Organization (LEFO) to a TEFAP eligible person/household.

Eligible Recipient Agency (ERA) - An organization which is public or private possessing tax-exempt status pursuant to 7 CFR § 251.3(d); and is not a penal institution. They provide food assistance exclusively to needy persons for household consumption, pursuant to a means test established pursuant to 7 CFR § 251.3 (d) (4)(i) or predominantly provides assistance to needy persons in the form of prepared meals pursuant to 7 CFR § 251.3 (d)(ii). Organizations are required to enter into an agreement with the designated State agency pursuant to 7 CFR § 251.2(c) for the receipt of USDA Foods or administrative funds or receives USDA Foods or administrative funds under an agreement with another eligible recipient agency which has signed such an agreement with the State agency or another eligible recipient agency within the State pursuant to 7 CFR § 251.2(c). In the State of New Mexico, an ERA is a Regional or Local Emergency Food Organization (REFO or LEFO).

Emergency Food Organization - An eligible recipient agency that provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy people, including low-income and unemployed people. Emergency feeding organizations have priority over other eligible recipient agencies in the distribution of TEFAP USDA Foods pursuant to 7 CFR § 251.4(h). All of New Mexico's Hunger Network is priority.

(LOCAL) – LEFO - A public, or not-for-profit food bank, pantry or shelter that has an agreement with a Regional Emergency Feeding Organization (REFO) to distribute TEFAP USDA Foods in an assigned service area.

(REGIONAL) – REFO - A public, or not-for-profit food bank that has an agreement with the Health Care Authority to assist in administering TEFAP in accordance with applicable State and Federal laws. The REFO has an assigned service area no smaller than an established geographical county and may receive USDA Foods directly from USDA.

Federal Poverty Guidelines (FPL) - Established by the United States Department of Health and Human Services (DHHS) as an indicator of poverty based on income and utilized in establishing income-based eligibility standards for program recipients. The guidelines are updated annually.

Fiscal Year- Federal (FFY) - The twelve-month period, from October 1 - September 30, is used by the federal government for accounting and reporting purposes.

Fiscal Year- State (SFY) - The twelve-month period, from July 1 – June 30, used by the State of New Mexico for accounting and reporting purposes.

Food and Nutrition Service (FNS) - The USDA agency is responsible for the nationwide administration of several federal nutrition programs including TEFAP.

Food and Nutrition Services Bureau (FANS) - The Bureau within New Mexico's Health Care Authority, Income Support Division responsible for administering TEFAP through a permanent agreement with USDA. Also referred to as the State Distributing Agency (SDA) or State Agency (SA).

Food Bank - A public or private nonprofit qualified under provision of Section 501(c) 3 of the Internal Revenue Code of 1986. The institution maintains an established operation involving the provision of food and grocery products to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers. As an integral part of their normal activities, they provide meals or food to feed needy people on a regular basis.

Food Pantry - A public or private nonprofit (qualified under provision of Section 501(c) 3 of the Internal Revenue Code of 1986) organization that is part of the food bank network that distributes food to low-income households, including food from sources other than USDA, to relieve situations of emergency and distress.

HCA - Health Care Authority

Homeless Shelter - A facility where the primary purpose is to provide temporary or transitional shelter for homeless individuals and families in general or for specific group populations (i.e. battered women, run-away youth) of homeless individuals and families.

Household -A household is composed of an individual or a group of individuals who purchase and prepare meals together for home consumption. The individuals may be related or non-related individuals living as one economic unit. It can also mean a single individual living alone.

ISD – Income Support Division is a division of the New Mexico Health Care Authority

Limited English Proficiency – LEP- - Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Mobile Food Pantry - A food distribution site operated by a REFO characterized by same day delivery and distribution of emergency food from a REFP truck and has an approved plan for disposition of any TEFAP food remaining at the end of the distribution.

Recipient - A needy person or household that has been determined eligible for TEFAP.

Regional Service Area - A specified area of the state identified as no smaller than a recognized New Mexico County. FANS approves the service area of Regional Emergency Food Organizations (REFO). Regional Service Area is determined with the award of Request for Proposals according to New Mexico Procurement Code.

Service Area - The service area is a physically distinct, geographic area, which may be, for example, a neighborhood, a senior housing site, residents in a zip code, a town or in sparsely populated areas, a county.

Soup Kitchen - Soup kitchen means a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide and prepare food for needy people on a regular basis in a congregate setting.

Southwest Regional Office (SWRO) - USDA/FNS Southwest (SW) Region, located in Dallas, Texas, responsible for USDA programs in New Mexico, Arkansas, Louisiana, Oklahoma, Arizona, Utah and Texas.

State Agency (SA) or State Distributing Agency (SDA) State agency means the State government unit designated by the Governor or other appropriate State executive authority which has entered into an agreement with the United States Department of Agriculture under 7 CFR§251.2(b).

Storage Facility - An operation that provides warehousing services or provides both warehousing and delivery services.

Sub-Distributing Agency - An ERA (Eligible Recipient Agency) or REFO has entered into an agreement with HCA/ FANS to accept, store and distribute USDA Foods/ TEFAP in accordance with Federal laws and regulations pertaining thereto. The ERA or REFO agrees to comply with all Federal and State laws and regulations now in effect or hereafter enacted in connection with the receipt, use, storage, handling and distribution of such TEFAP foods, and as otherwise relates to this TEFAP Program.

The Emergency Food Assistance Program (TEFAP) - is a federal program that helps supplement the diets of people with low-income by providing them with emergency food assistance at no cost.

United States Department of Agriculture (USDA) - is the federal department responsible for developing and executing U.S. federal government policy on farming, agriculture and food. It aims to meet the needs of farmers and ranchers, promote natural resources, foster rural communities and end hunger in the United States and abroad.

USDA Foods- is food donated by USDA for distribution through TEFAP (formerly known as Commodities).

Web Based Supply Chain Management (WBSCM) - An on-line ordering system developed and maintained by USDA for the placement, tracking and delivery of USDA Foods orders for nutrition assistance programs.

SECTION 3 PROGRAM ADMINISTRATION

STATE ADMINISTRATION

The USDA has designated Health Care Authority, Income Support Division, Food and Nutrition Services Bureau (FANS) as the distributing agency responsible for the administration of The Emergency Food Assistance Program (TEFAP) in New Mexico. In accordance with 7 CFR §251 and applicable regulations in 7 CFR § 250, FANS is responsible for effective program administration. HCA/FANS contracts with Regional Emergency Food Organizations (REFO) for regional and local level administration of the programs.

LEGAL BASIS:

The Emergency Food Assistance Act of 1983 as amended by P.L. 107-249, October 23, 2002

FEDERAL REGULATIONS:

Title 7—Agriculture, Subtitle B--Regulations of the Department of Agriculture, Chapter II--Food and Nutrition Service, Department of Agriculture, Subchapter B--General Regulations and Policies--Food Distribution, Part 251--The Emergency Food Assistance Program; Part 250--Donation of Foods For Use In The United States, Its Territories and Possessions and Areas Under Its Jurisdiction

STATE DISTRIBUTION PLAN

The State Agency must submit for approval by the appropriate FNS Regional Office a plan that contains:

- ◆ A designation of the State Agency responsible for distributing USDA Foods and administrative funds provided under this part, and the address of such agency.
- ◆ A plan of operation and administration to expeditiously distribute USDA Foods received under this part.
- ◆ A description of the standards of eligibility for recipient agencies, including any sub priorities if there is a two-tier priority system.
- ◆ A description of the criteria established that must be used by recipient agencies in determining the eligibility of households to receive TEFAP USDA Foods for home consumption.

Once approved, State plans are permanent. State agencies must submit amendments to the distribution plan when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

TEFAP FORMULA

USDA has developed a formula to determine each state's share of USDA Foods and administrative funds. The formula is based 60% on the number of persons in households within the state having incomes below the current poverty level and 40% on the number of unemployed persons within the state. Each state is offered its fair share of the entitlement food and administrative funds according to the formula.

FANS uses the 60/40 TEFAP formula to determine each county's fair share of TEFAP food and each REFOs fair share of administrative funding, based on their service area. FANS will update this information annually at the beginning of each state fiscal year.

TEFAP ENTITLEMENT AND BONUS

USDA notifies the state agency when orders are to be placed, the product available for ordering, and the value of each product. Orders may be placed by the states for monthly delivery. FANS or its designee will order products electronically using the WBSCM ordering system based on the entitlement allocation of dollars set by USDA. USDA/FNS makes every effort to fill orders as requested. Occasionally, due to unforeseen circumstances, USDA/FNS will eliminate or substitute products and/or change delivery times.

Bonus products are offered to each state based on the fair share of the federal allocation or on an open order basis. Bonus products are not purchased with Entitlement funding. States may choose to accept all, part or none of the bonus offers. The REFO has the right to accept or decline all or part of the bonus product allocated. Bonus products declined by a REFO will be offered to other food banks. Excess inventories may be transferred between food banks with prior notice to and the consent of FANS. Records documenting the transfer must be maintained by both food banks.

REGIONAL DISTRIBUTION PLAN

Each REFO must have a plan for their assigned service region. It must include:

- ✦ Criteria for soliciting, maintaining and evaluating agencies for their part of the network
- ✦ Procedure for the distribution of products throughout region
- ✦ Procedure for inventory control
- ✦ Procedure for local distribution delivery and/or pick-up
- ✦ Procedure for informing a LEFO of REFO, FANS or USDA policy changes

The REFO shall submit regional updates for its service region to FANS monthly and more often as changes occur or as necessary. The above items are part of FANS reviews of REFOs.

SHIPMENT OF PRODUCT FROM USDA TO REFO

FANS or its designee must use the most cost-effective distribution system and utilize direct shipments from USDA to FANS or the REFO warehouses if it is reasonable to do so.

REGIONAL EMERGENCY FEEDING ORGANIZATION (REFO)

- ◆ FANS administers the TEFAP program in all of New Mexico's 33 counties through Regional Emergency Food Organizations (REFOs). All REFOs must have a sub-distributing agency contractual agreement with FANS for TEFAP local administration. The REFO incorporates TEFAP USDA Foods into their food banking operations providing an enhanced variety of products available for distribution. REFOs are responsible for providing emergency food assistance by coordinating food distribution through REFOs in their service area. REFOs are all required to follow the Code of Federal Regulations, Distribution of Donated Foods, 7 CFR § 250 and The Emergency Food Assistance Program, 7 CFR § 251 and any applicable State laws and regulations.
- ◆ Five Regional Food Banks administer TEFAP in the following New Mexico counties:
 - **Roadrunner Food Bank**
Located in Albuquerque: Serving Bernalillo, Catron, Chaves, Eddy, Lea, Lincoln, Sandoval, Socorro, Torrance, Valencia, Dona Ana, Grant Hidalgo, Luna, Otero and Sierra Counties
 - **The Food Depot**
Located in Santa Fe: Serving Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe, Taos and Union Counties
 - **ECHO**
Located in Farmington: Serving San Juan County
 - **The Community Pantry**
Located in Gallup: Serving Cibola and McKinley Counties
 - **Food Bank of Eastern New Mexico**
Located in Clovis: Serving Curry, DeBaca, Guadalupe, Quay and Roosevelt Counties

LOCAL EMERGENCY FEEDING ORGANIZATION (LEFO)

LEFOs are public governmental agency or a federally tax exempt, nonprofit charitable organizations recognized as Internal Revenue Service Code 501 (c) (3). They are legally authorized to operate in the State of New Mexico as Emergency Feeding Organizations. These include food pantries and shelters. LEFOs that distribute food boxes to eligible recipients are expected to supplement the USDA Foods with additional food items from recognized eligible sources.

LEFOs operate within an assigned service area. The service areas are developed with the REFOs. Eligible recipients seeking food assistance at TEFAP sites not within the determined service area during posted distribution times must be provided with food assistance at the first visit. They should receive information about other pantries serving in the area where they live.

TEFAP is a first come/first serve program. LEFOs with the REFOs determine how many households the agency serves at the distribution(s).

Eligible recipients or their designated proxy must sign for the receipt of TEFAP USDA Foods.

All LEFOs must sign an Agreement to receive USDA Foods and agree to abide by all guidelines established for the distribution of USDA Foods.

LEFOs must sign a receipt for USDA Foods that they receive.

REFOs will evaluate all potentially eligible LEFOs to determine their readiness to participate in the distribution of USDA Foods.

REFOs will evaluate potential agencies within 90 days to determine whether they will be able to begin to order TEFAP USDA Foods from the REFO. The 90 days may be waived by the REFO if the REFO or FANS determines the LEFO is ready to participate in the distribution of USDA Foods.

REFOs must conduct pre-approval compliance reviews to ensure that LEFOs have the ability to administer TEFAP within Federal requirements, including Civil Rights.

The TEFAP Coordinator and the REFO will provide training and technical assistance to LEFOs on TEFAP regulations, including Civil Rights.

For Prohibited Activities please see the TEFAP Questions and Answers (Pages 34-36).

SECTION 4 STORAGE AND HANDLING

DELIVERY

Standards are set forth in Distribution and Control of Donated Foods, 7 CFR § 250.13, Warehousing, Distribution and Storage of Donated Foods, 7 CFR § 250.14 and Food Distribution Policy Memorandum, FD-107. Every shipment of USDA Foods must be inspected upon delivery for possible shortages, overages and/or damage before the product is accepted.

- A REFO may not accept damaged product or sign the Bill of Lading until the REFO warehouse receiving count agrees with the amount stated on the Bill of Lading.
- Once the Bill of Lading is signed, title is transferred to the REFO.
 - By signature, the REFO assumes liability and will be held financially responsible for product shown on the Bill of Lading.
- The truck driver and the REFO warehouse representative must sign, date and note any differences or concerns about the product on the Bill of Lading document.
- A REFO receiving USDA direct shipments must document receipt of shipment via the WBSCM, or by contacting FANS within 24 hours of receipt.

WAREHOUSE AND STORAGE PRACTICES

To guarantee its quality and safety, each REFO and LEFO is responsible for the proper storage and handling of USDA Foods products according to Warehousing, Distribution and Storage of Donated Foods, 7 CFR § 250.14 and Food Distribution Policy Memorandum, FD-107. Premature deterioration of food products is often the result of improper storage conditions and practices. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures that quality products are distributed; it also protects the REFO and LEFO from claim action by USDA/FANS to recover the value of the spoiled or lost product. Food storage areas should provide protection from weather, fire, theft and pests. Aisles between pallets should be wide enough to provide easy access for inspection, inventory and pulling of product. All USDA Foods products are to be stored according to the following guidelines:

- Functional thermometers must be present and visible in all storage areas (dry, refrigerators and freezers).
- Temperature logs must be maintained for all dry, refrigerator and freezer storage areas. An electronic log may be used.
- The log must document the date, time, the registered temperature and the signature or initials of the person checking the temperatures.

The temperature log is an important document to support the ongoing maintenance of proper storage conditions.

REFOs and LEFOs must follow good warehouse and storage practices. General Storage and Maintenance Guidelines include but are not limited to the following:

- ◆ **Refrigerated food products must be:**
 - Refrigerated at temperatures of 35-40 degrees F
- ◆ **Frozen food products must be:**
 - Stored in a freezer at 0 degrees F or below,
- ◆ Frozen Poultry must be maintained at the appropriate frozen (0 degrees or below) temperatures through distribution,
- ◆ Keep all food 4” off floor, stored on pallets, platforms or shelves
- ◆ Keep all food away from walls.
 - This promotes air circulation and assists with pest control.
- ◆ Keep dry foods away from direct sunlight, when possible.
- ◆ Keep all non-food items separate from food.
 - Toxic items (soap, bleach, cleaning supplies, etc.) must be kept away from food items.
- ◆ Keep floors, pallets and shelving clean. Maintain a regular cleaning schedule.
- ◆ Keep doors, windows and roofs well sealed to prevent pest entry and water damage.
- ◆ The building, grounds and equipment should be inspected regularly for signs of fire hazard, security problems, needed repairs and pest infestation
- ◆ Maintain equipment including regularly checking for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.
- ◆ Maintain a good pest control system.
 - Have a qualified person on staff or contract with a licensed firm to handle pest control management.
- ◆ The inventory practice of first in, first out (FIFO) must be followed.
 - Food must be rotated as new product arrives. The older product must be used before the newer product.
 - USDA Foods should be stored in their original cases until distribution.
- ◆ REFO warehouse and contracted storage facilities must maintain a running inventory of all USDA Foods products.
 - All frozen USDA Foods must be clearly marked as TEFAP.
 - All cooler USDA Foods must be clearly marked as TEFAP.
 - All dry USDA Foods must be clearly marked as TEFAP.

Staff should routinely monitor product levels to assure that TEFAP product inventories are not excessive. In no case may the inventory level of each donated food in storage exceed a three-month supply unless sufficient justification for additional inventory has been submitted and approved by the FANS Bureau. REFOs must distribute TEFAP within 60 days and their LEFOs must distribute within 90 days of receiving them.

SECTION 5 USDA FOODS HOLD, RECALLS, LOSS & COMPLAINTS

HOLD & RECALL OF USDA FOODS

Upon receipt of a recall notification, the TEFAP Manager or FANS designee will contact each affected REFO as soon as possible, but **no later than 24 hours** after receiving the recall notification.

- ◆ The TEFAP Manager or FANS designee will email the recall notification, press information and other information needed to track the product and assist in documenting reimbursable costs to affected REFOs.
- ◆ The TEFAP Manager or FANS designee will notify the appropriate contact at the REFO, directing them to place the USDA Foods on hold and to determine:
 - The amount of recalled products that remain in storage at the regional level,
 - The location and amount of products delivered to LEFOs

FANS will be in constant communication with REFOs to provide instruction on the course of action for disposition of recalled product or release of hold. If pick-up of a recalled product is required, the recalled product should be consolidated for pick-up as soon as possible, but no later than 30 days after the date of the recall notification.

REFO RESPONSIBILITIES FOR HOLD & RECALL OF USDA FOODS

Each REFO is responsible for appointing a Food Safety Coordinator and providing the name, title, email address, phone, and fax numbers to the TEFAP Coordinator.

In the event of a USDA Foods recall, affected REFOs will receive a recall notification request. The recall notification will provide the name of the product, the affected lot numbers, and other product information. Additional information will be included to assist REFOs to respond to requests from media, clients, and others.

- REFOs must provide the location and quantity of:
 - Product in Storage
 - Amount of Product Already Distributed
- REFOs must immediately notify their LEFO sites of the recall
 - Identify the location of the affected products
 - Verify that the food items bear the product identification codes
 - Isolate the USDA Foods to avoid accidental use
 - Take an accurate inventory by location
- The quantity and location of the product must be submitted to the TEFAP Coordinator **within five (5) calendar days of the recall.**

USDA FOODS LOSS & COMPLAINTS

DAMAGED/OUT-OF CONDITION/FOREIGN OBJECTS IN PRODUCTS

All food products must be inspected upon receipt. Damaged/Out-Of-Condition products are those food products, which appear to be contaminated, deteriorated, spoiled, infested, or have latent defects. Some examples are:

- ◆ Bulging or Dented Cans
- ◆ Broken or Ripped Boxes or Bags

Hidden damage or condition problems may be found after the product has been accepted into the warehouse.

All incidents of USDA Foods problems must be reported to the TEFAP Manager or FANS designee: **(505) 841-2625 or 1-800-648-7167**

Do not dispose of USDA Foods without contacting and receiving prior approval from the TEFAP Manager, FANS designee or authorized USDA representative. This requirement is specific to TEFAP USDA Foods.

Important: When Damage, Out-of-Condition problems or Foreign Objects are found, the USDA Foods must be:

- ✦ Placed on HOLD
 - Clearly Marked **Do Not Use**
 - Put in a place where it will not be distributed
 - Save the container and/or the product for inspection, if possible
- ✦ Please take a picture and send it to the TEFAP Manager or FANS designee, whenever possible. Digital pictures are preferred.
- ✦ Save the case or take a picture of the case it came in. (For Lot # identification)
- ✦ You will receive instructions for what must be done with USDA Foods.
- ✦ We will inform you if we need additional information.
- ✦ Do not dispose of the item or product until you are instructed to do so.

The TEFAP Manager or FANS designee will decide whether your complaint can be resolved at the state level. If not, The TEFAP Manager or FANS designee will enter your complaint into the National USDA Foods Complaint System WBSCM. To assist the TEFAP Manager or FANS designee in processing your complaint, please provide the following information:

- ◆ Material Number
- ◆ Can and Case Codes
- ◆ Description of the problem
- ◆ Date your agency received the affected USDA Foods
- ◆ Quantity of product affected
- ◆ Quantity and physical address of affected product remaining

- ◆ Sales Order Number and Purchase Order Number - these numbers will be on the paperwork you received with the USDA Foods shipments. If not, the TEFAP Coordinator or FANS designee should be able to obtain them.
- ◆ If you are requesting a replacement, you should retain the unopened product until further notice from the USDA Foods Complaint Team, so that the vendor can exercise his right to examine or retrieve the product.

CLAIMS ACTION

FANS shall begin claim action immediately upon receipt of information concerning the improper distribution, loss of or damage to USDA Foods, and shall make a claim determination within thirty days of the receipt of information, as described in FNS Instruction 410-1, Non-Audit Claims-Food Distribution. The Commodity Hold/Loss Information Form is used.

The funds received from the collection of claims will be returned to FNS. In instances where it is determined by USDA that the collection of funds will have a significant adverse effect on the operation of the program, USDA may permit in-kind replacement of the donated foods in lieu of payment to FNS. Replacement in-kind is only permitted under such terms and conditions as agreed to by the Secretary of USDA.

If FANS determines that a claim exists against a REFO, warehouseman, carrier or any other entity and the value of the lost USDA Foods **exceeds \$500**:

- ◆ FANS shall immediately transmit the claim determination to the SWRO with full documentation about the circumstances.
- ◆ If FNS determines from its review of the claim determination that a claim exists, FANS shall make demand for restitution upon the liable entity immediately upon receipt of notice from the SWRO.

In the event FANS determines that a claim exists against a REFO agency, warehouseman, carrier or any other entity and the value of the lost USDA Foods **does not exceed \$500**:

- ◆ The state agency shall immediately proceed to collect the claim.

No claim determination shall be required where the value of the lost USDA Foods is **\$100 or less. However, if the loss has occurred as a result of theft, embezzlement, willful misapplication, or fraud, FANS must pursue further claim actions, in accordance with FNS Instruction 410-1, or forward the claim determination to the SWRO for further action, regardless of the value of the loss.**

The state agency shall maintain records and substantiate documents on all claim actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount involved.

In making final claim determinations for USDA Foods losses incurred by eligible recipient agencies when there is no evidence of fraud or negligence, FANS and SWRO shall consider the special needs and circumstances of the eligible recipient agencies and adjust the claim and/or conditions for claim collection as appropriate.

SECTION 6 APPLICATION, ELIGIBILITY AND RECERTIFICATION

New Mexico needy persons or households are eligible to receive TEFAP USDA Foods at participating food pantries based on self-reporting of Income Eligibility and Residency. Participants seeking food assistance at TEFAP sites not within the determined service area during posted distribution times should be given food at the first visit. They should be given information about other pantries serving in the area where they live. Eligible recipients must be told that they are receiving TEFAP USDA Foods. LEFOs may adjust the amount of TEFAP provided based on household size.

The Income Eligibility Guidelines and Residency Requirements are in the two (2) sections immediately following the Application Process and Recertification section.

Homeless Shelters, Soup Kitchens and other congregate TEFAP meal sites do not require application.

APPLICATION

The application process requires the recipient to complete the application with their name, State, County, Zip Code and the number of people in their household. Applicants self-declare income which determines.

A household can be a single person or a group of people (related or not) who live as one economic group and customarily purchase and prepare food together.

Once an application or recertification is on file with a LEFO, recipients should be asked at subsequent visits if their income, residency or household number has changed. If changes are reported, a new application should be completed.

Privacy during the application process is required. All pantries must have sufficient space between waiting areas and interview areas so participants can provide personal information to workers without being overheard by others. Participant information is confidential, and staff and volunteers must take care to protect participant's privacy. All personal information collected at a TEFAP distribution site must be kept confidential and all data obtained can only be used for the purpose of a TEFAP distribution. Data collected cannot be used by 3rd party entities even if client approves. All information collected during TEFAP distribution must be retained for TEFAP reporting purposes only.

Food pantries are required to have the recipients sign for the receipt of USDA Foods.

TEFAP participants must complete the application/recertification in person. Only if the distribution site has the means, in cases of extreme hardship may a trained staff/volunteer go to residence to assist in completing the form. A proxy can pick up food for a homebound person (with a signed statement from the homebound on file) as long as a current application is on file, subject to the review and approval of the REFO and State Agency.

INCOME ELIGIBILITY GUIDELINES

The current year TEFAP Eligibility Gross Income Limit guidelines are available at [Emergency Food Assistance - New Mexico Health Care Authority](#)

USDA updates the income eligibility guideline each spring. In New Mexico, the new guidelines for eligibility become effective July 1.

Households are not required to show proof of income.

Recipients self-declare eligibility upon signing the application and when signing for receipt of food

Assets are not included in the gross household income.

NMHCA does not require households to provide proof of their dependents to receive TEFAP.

IDENTIFICATION IS NO LONGER REQUIRED

RESIDENCY REQUIREMENTS

- Recipients must be New Mexico residents.
- A minimum length of stay is not required to prove residency.
- Recipients only provide the County, State, and Zip Code they reside in.
- Once residency is established, it is not necessary to re-establish this again.
- Homeless people may use the local shelters, soup kitchens or social services offices for their County, State, and Zip Code requirements of the application.
- Eligible recipients seeking food assistance at TEFAP sites not within the determined service area during posted distribution times should be provided with food assistance on the first visit. They should receive information about other pantries serving in the area where they live.
- LEFOs operate within an assigned service area developed with the REFO to ensure that services are spread across rural and urban areas of the state.

PARTICIPATION IN OTHER USDA FOOD PROGRAMS

People who participate in any USDA Food programs are automatically eligible to receive TEFAP. This includes SNAP, WIC, CACFP, CSFP, and FDPIR.

RECERTIFICATION

Recipients and households must re-certify annually based on the current application standards of Income Eligibility and Residency.

RECIPIENT CONFIDENTIALITY

Recipient confidentiality must be acknowledged and always maintained. Recipients seeking food assistance are providing household information at the time they complete eligibility certifications. This information is confidential, and every step should be taken to ensure that the information is protected. Only trained staff and volunteers should have access to this information. LEFOs must ensure that there are procedures in place to respect recipient confidentiality when seeking food assistance.

For example:

- ◆ Recipient names should be kept confidential during the food distribution process. Using a numbering system is one alternative to calling out recipient names.
- ◆ Files must be secure from unauthorized entry or disclosure.
- ◆ Recipient files must be handled to maintain recipient confidentiality.
- ◆ Recipient files must not be left unattended during distribution.
- ◆ Recipient files should not be taken to other places except as required.
- ◆ Files should be transported to maintain confidentiality and should always be in the possession of pantry staff.

VOLUNTEER CONFIDENTIALITY

A volunteer providing services associated with The Emergency Food Assistance Program (TEFAP) must maintain all information regarding the individuals and households receiving food assistance in the strictest confidence. Volunteers have a legal and ethical responsibility to protect the confidentiality and security of all protected data and information to which they have access in carrying out their duties. Confidential information may include, but is not limited to household composition, names, addresses, and phone numbers. It may be from any source or in any form (oral, written or electronic). Confidentiality and Disclosure Acknowledge Form, **or a similar form** must be completed by volunteers and maintained by the LEFO.

SECTION 7 PROGRAM MONITORING

STATE AGENCY REVIEWS

FANS will comply with federal program regulations set forth in 7 CFR § 251.10(e) (2) (i) (ii) - State Monitoring System when determining the number of reviews conducted annually at participating agencies. The purpose of the monitoring process is to evaluate program compliance and effective program management.

FANS will conduct annual reviews of at least 25 percent of all eligible REFOs which have signed an agreement with the State Agency pursuant to 7CFR § 251.2(c).

FANS must review each REFO at least once every four years.

FANS must review at a minimum, 1/10 or 20, whichever is fewer, of all eligible recipient agencies (LEFOs) which receive TEFAP USDA Foods and/or administrative funds. Reviews are conducted, to the maximum extent feasible, simultaneously with actual distribution of USDA Foods and/or meal service, and eligibility determinations. Additional reviews of REFOs and LEFOs are conducted at the discretion of FANS or FNS.

The monitoring visit provides an opportunity for the participating agency to ask questions, discuss concerns and make suggestions about the program. The review is to provide technical assistance for program improvement. FANS will issue a report of review findings detailing recommendations and required corrective action to the participating agency. The participating agency will have forty-five days to respond to the findings and document compliance with corrective action. Upon concurrence by FNS, reviews of eligible recipient agencies, which are conducted by FNS Regional Office personnel, may be incorporated into the minimum coverage required by USDA.

AUDITS

In accordance with 7 CFR § 250.18 – Audits, REFOs, which receive TEFAP USDA Foods, shall have an audit conducted by an independent auditor or a review or compilation prepared by a CPA that complies with the audit requirements established by the Federal Office of Management and Budget (OMB) Circular Number A – 133. A copy of this audit must be available for FANS to review when FANS is conducting a Management Evaluation (ME) review. REFOs must provide their audit to HSD/FANS within 30 days of receiving the completed audit from the auditor. An electronic copy is acceptable.

A financial desk review of all REFOs will be done at least every other year by the State Agency. If a REFO serves more than 50% of the state, an audit must take place annually.

REFOS REVIEWS OF LEFOS

REFOs must monitor the operation of the program to ensure that it is being administered in accordance with Federal requirements set forth in Reviews, 7 CFR § 251.10(e)(2)(i)(ii) - State Monitoring System.

An annual review of at least 50 percent of all LEFOs, which have signed an agreement pursuant to 7 CFR § 251.2 with the REFO, is required.

Each LEFO must be reviewed no less frequently than once every two years.

Reviews must be conducted, to the maximum extent feasible, simultaneously with actual distribution of USDA Foods and/or meal service, and eligibility determinations.

Each review must encompass, as applicable:

- Eligibility Determinations
- Food Ordering Procedures
- Storage and Warehousing Practices
- Inventory Controls
- Approval of Distribution Sites
- Reporting and Recordkeeping Requirements
- Civil Rights Compliance and Training
- REFOs must submit a report of the review findings to the LEFOs and FANS.
- REFOs must ensure that corrective action is taken to eliminate the deficiencies identified.
- REFOs must maintain records to document the receipt, disposal and inventory of USDA Foods that they distribute to LEFOs.

RECORDS AND REPORTS

The Maintenance of Records and Reports is set forth in 7 CFR 251.10 (a) Records - (1) Commodities. All program records are to be maintained for a period of three federal fiscal years, from the close of the federal fiscal year to which they pertain. A longer period may be required if it is related to an audit or investigation in progress.

The records must always be reasonably accessible for use during management evaluations, site reviews, audits or investigations.

The records are subject to review and audit by FANS and/or USDA during normal business hours.

Federal and state rules require all REFOs and LEFOs to keep certain records to document recipient eligibility and the receipt, use, storage, disposal and inventory of USDA Foods. The following records must be kept for three (3) federal fiscal years at REFOs and LEFOs:

TEFAP Distribution Reports

LEFO distribution sites complete the **Monthly Food Box Log** and **submit it to the REFO no later than the fifth (5th) of each month.**

LEFOs must have the signature of the adult member receiving TEFAP/USDA Foods, their name, County, State, Zip Code, and number of household members.

Soup Kitchens and Shelters must record in a **Monthly Meal Log** the number of meals served monthly. They must **submit it to the REFO no later than the fifth (5th) of each month.**

REFOs are required to submit a monthly distribution report of all USDA Foods activity to FANS BUREAU **no later than the tenth (10th) of each month.**

The REFO **TEFAP Distribution Report** must include:

- Number of meals served, and Number of households served
- Number of people served
- Active list of distribution sites
- Beginning Inventory
- Amount of Items Received
- Amount of Items Distributed
- Balance after Distribution
- USDA short title and commodity code number

Losses must be submitted to FANS using a Hold/Loss Commodity Form.

Reports will be submitted to the TEFAP Manager by email.

Records and reports must be sent to FANS/USDA upon request.

Failure by a sub-distributing agency, recipient agency warehouse or other entity to maintain records required by USDA shall be considered prima facie evidence of improper distribution or loss of donated foods and the agency or entity shall be subject to the provisions of 7 CFR § 250.13.

SECTION 8 DISASTER FOOD ASSISTANCE

For Guidance on Disaster Food Assistance, please refer to the USDA Food and Nutrition Service Disaster Manual <https://www.fns.usda.gov/usda-foods/program-disaster-manual>

In times of disaster, REFOs and LEFOs may be asked to provide donated food to families, fire crews, etc. TEFAP food is **not** to be used for such purposes. If a REFO or LEFO needs food, contact the FANS Bureau. The FANS Bureau will contact USDA for guidance. USDA must follow the requirements outlined in the Disaster Manual and determine what, if any, food can be authorized for immediate use. Generally, only congregate meal settings (i.e., schools participating in the USDA Foods commodities program) are granted authority to use commodities. If households are in need, Disaster SNAP (food stamps) would most likely be authorized.



FOOD AND NUTRITION SERVICE

USDA FOODS IN DISASTERS MANUAL JUNE 2021

SECTION 9 CIVIL RIGHTS COMPLIANCE

REQUIRED NON-DISCRIMINATION STATEMENT

All information materials and sources, including Web sites, developed or used by Emergency Feeding Organizations or other sub-recipients to inform the public about services and benefits, must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information Web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

Printed material **must** contain the following nondiscrimination statement.

In accordance with Federal law and the U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin (including limited English proficiency), sex, age, disability, and reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., braille, large print, audiotope, American Sign Language) should contact the responsible State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY).

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at [AD-3027](#) (PDF, 351 KB), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Office of the Assistant Secretary for Civil Rights (OASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
email: program.intake@usda.gov

This institution is an equal opportunity provider.

Emergency Feeding Organizations and their sub-recipient agencies must display the non-discrimination poster from **USDA “And Justice for All”** (AD 475 – A).

- It must be displayed where it is clearly visible to the recipients and agency personnel.
- It must be displayed when administering TEFAP USDA Foods.
- Current copies for use by TEFAP agencies are available by contacting FANS.
- We will provide directives when/if USDA updates the current poster.



In accordance with Federal law and the U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin (including limited English proficiency), sex, age, disability, and reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., braille, large print, audiotape, American Sign Language) should contact the responsible State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY).

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This institution is an equal opportunity provider.

De acuerdo con la ley federal y las reglamentaciones y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (U.S. Department of Agriculture, USDA), esta institución tiene prohibido discriminar por motivos de raza, color o país de origen (incluyendo dominio limitado del inglés), sexo, edad, discapacidad y represalias por actividades anteriores de derechos civiles.

La información del programa puede estar disponible en idiomas distintos al inglés. Las personas con discapacidades que requieran medios alternativos de comunicación para obtener información del programa (p. ej., braille, letra grande, cintas de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o comunicarse con el USDA a través del Servicio de Retransmisión de Telecomunicaciones al 711 (voz y TTY).

Para presentar una queja por discriminación en el programa, el reclamante debe completar el formulario AD-3027, el formulario de queja por discriminación en el programa del USDA, que se puede obtener en línea, en <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, desde cualquier oficina del USDA, llamando al (866) 632-9992 o escribiendo una carta dirigida al USDA. La carta debe tener el nombre, la dirección, el teléfono del reclamante y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al subsecretario de derechos civiles (ASCR) sobre la naturaleza y la fecha de una supuesta violación de los derechos civiles. El formulario AD-3027 o la carta completos deben enviarse al USDA por:

correo:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o
correo electrónico:
program.intake@usda.gov

Esta institución ofrece igualdad de oportunidades.

Form AD-475-A—Anti-discrimination Poster/ Published: March 2025/ Language: English

Formulario AD-475-A—Póster antidiscriminación/ Publicado: Marzo de 2025/ Idioma: Español

COMPLAINT OF DISCRIMINATION

- Any individual has the right to file a complaint with the LEFO, REFO, FANS, USDA or the Department of Justice if they think they are or have been discriminated against because of race, color, national origin, age, sex or disability.
- Any person or their representative alleging such discrimination has the right to file a complaint within 180 days of the alleged discriminatory action.
 - ◆ Only the USDA Secretary may extend this time under special circumstances.
- The complainant must be advised of confidentiality and Privacy Act applications.
- The complainant and the entity that the complaint is filed against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.
 - ◆ This requirement does not replace the requirement to report all Civil Rights complaints to the TEFAP Manager (HCA/ISD/FANS).
- All complaints written or verbally reported to or filed with LEFOs or REFOs must be forwarded to the TEFAP Manager (HCA/ISD/FANS) or designee.
 - ◆ Age discrimination complaints must be forwarded within 24 hours.
- All other discrimination complaints must be forwarded within 3 working days. Civil Rights complaints received by the TEFAP Manager or FANS designee will be forwarded within 3 working days to USDA/FNS/ for investigation. FNS will investigate the case. LEFOs and REFOs must know the procedure for filing a complaint and they must advise people who allege discrimination how to file a complaint.
- Anonymous complaints are handled the same as any other complaints, to the extent feasible, based on available information.
- If possible, utilize the Civil Rights Complaint Form **(included in manual)** for all complaints. **It is not a requirement or mandatory to use a specific form.**

Complaints may be sent to:

HCA/ISD/FANS – Attn: TEFAP Manager/ Civil Rights
1425 William St. SE, Albuquerque, NM 87102-4661

If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office,

Or call (866)632-9992 to request the form, or you may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at

U.S. Department of Agriculture Director, Office of Adjudication
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410
By fax (202)690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800)877-8339 or (800)845-6136 (Spanish)

VERBAL COMPLAINTS OF DISCRIMINATION

In the event a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint for the complainant.

Every effort should be made to have the complainant provide the following information:

- Name, address, and telephone number or other means of contacting the complainant
- The specific location and name of the State agency, local agency, or other sub recipient agency delivering the service or benefit
- The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants
- The basis on which the complainant believes discrimination exists. The bases for discrimination in TEFAP are race, color, national origin, age, sex or disability.
- The names, telephone numbers, titles, and business or personal addresses of people who may have knowledge of the alleged discriminatory action
- The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

LIMITED ENGLISH PROFICIENCY (LEP)

USDA/FNS requires that all REFOs and LEFOs comply with the guidelines for providing services to Limited English Proficiency participants. Access for LEP individuals includes interpretation for oral communication and translation for written documents and information. The provision of LEP services is determined by the following factors:

- The number or proportion of LEP people eligible to be served or likely to be encountered by the program or grantee/recipient
- The frequency with which LEP individuals encounter the program
- The nature and importance of the program, activity, or service provided by the program to people's lives
- The resources available to the grantee/recipient and costs

Program applications and written materials should be available in both English and Spanish. Based on the above guidelines, REFOs and LEFOs will identify when applications

and written materials should be available in other languages and contact FANS for assistance.

It is the responsibility of the LEFOs to provide adequate language access. Though not encouraged, clients may choose to bring their own interpreter. If a client waives their right to free interpretation services, the LEFO must make sure the recipient completes a Waiver of Rights to Free Interpreter and Translation Services when applicable. The LEFO is responsible for keeping a signed copy in the client's file. REFOs and LEFOs should provide interpretation and translation services based on the above guidelines.

HCA/ISD/FANS can provide translation services through CTS Language Link. Please contact the FANS Bureau TEFAP Coordinator for more information.

ACCOMMODATING THE NEEDS OF PERSONS WITH DISABILITIES

Americans with Disabilities Act (28 CFR Part 35, Title II, Subtitle A), which prohibits discrimination based on disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services.

Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability; and USDA Implementing Regulation, 7 CFR Part 15 b.

Under Title II of the ADA, all state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others. There are many ways that we can provide equal access to communications for people with disabilities. These different ways are provided through "auxiliary aids and services." "Auxiliary aids and services" are devices or services that enable effective communication for people with disabilities. Generally, the requirement to provide auxiliary aid or service is triggered when a person with a disability requests it.

For those who are blind or have low vision, this may include large print, audio recordings, emails or compact discs, or Braille. The requesting person's choice does not have to be followed if:

- The public entity can demonstrate that another equally effective means of communication is available.
- use of the means chosen would result in a fundamental alteration in the service, program, or activity; or
- The means chosen would result in an undue financial and administrative burden.

For all requests for auxiliary aid or service, the recipient agency must contact the State Agency TEFAP Manager. The State agency will refer to all requests for alternative formats for TEFAP clients with visual disabilities to the Health Care Authority ADA Coordinator.

CIVIL RIGHTS TRAINING

In accordance with FNS Instruction 113-1 (November 8, 2005), Volunteers and staff, who frequently interact with program participants/applicants, handle personal information or determine eligibility must receive full civil rights training on an annual basis.

- ✚ The TEFAP Manager or FANS designee will provide annual Civil Rights training for all REFOs.
- ✚ REFOs will provide annual Civil Rights training for all LEFOs in their service area.
- ✚ REFOs and LEFOs will maintain copies of the subject matter and attendance sheets for all Civil Rights training.
- ✚ REFOs will provide training for their own REFO and to all LEFOs in their service area.

Civil Rights training material for REFOs and LEFOs is provided and updated by the TEFAP Manager or FANS designee. Specific subject matter will include, but not be limited to:

- Knowledge of Protected Classes
- Types of Discrimination Complaints That Can Be Filed
- Volunteer Roles
- Responsibilities
- Collection and use of data
- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of people with disabilities (ADA)
- Requirements for language assistance (LEP)
- Conflict resolution
- Customer service

A copy of the current Civil Rights policies and procedures from the TEFAP Manual and the current training material is available to all REFOs. Training materials for volunteers are available for handouts.

Please be advised that USDA does not collect individual household information or data for TEFAP except for number in household. LEFOs are required to report the number of households, total people served, and meals served per month.

SECTION 10 TEFAP QUESTIONS AND ANSWERS

CIVIL RIGHTS

Must all EFO's display the "And Justice for All" poster?

Yes. It must be posted where all participants can see it. Posters must also be present in Employee/Volunteer break areas. Please contact the REFO to request additional copies.

Can LEFOs or REFOs choose to serve some income eligible people but not others?

No. Federal laws prohibit discrimination based on race, color, national origin, sex, age, or disability.

How do food pantries serve non-English speaking people who request food assistance?

Service must be provided – but there can be flexibility in how it is provided. Volunteers may be used, but make sure they understand participant confidentiality. Contact the REFO if an interpreter is needed for a participant. Pantries are required to develop methods for ensuring meaningful and accurate communication for *Limited English Proficiency* groups in their service delivery area. When using volunteers for interpretation they should be proficient in English and the client's language.

Can LEFOs or REFOs require an ID to access TEFAP?

No. A TEFAP distribution site is not allowed to ask for an ID to access TEFAP.

Can LEFOs or REFOs require a physical address to access TEFAP?

No. TEFAP distribution sites cannot ask nor require a physical address to access TEFAP. A TEFAP client must provide First and Last name, County, State, and Zip Code of residence.

Can LEFOs or REFOs require additional information than what is requested on the NM TEFAP application to provide other forms of assistance to the TEFAP Household?

No. Additional information that the site may want to collect must be done elsewhere and not during a TEFAP distribution.

Can LEFOs or REFOs give participants political or religious materials during distribution?

No. Political and religious materials cannot be placed in the food box or handed to the client during distribution. This material can be placed in the same area as the distribution for the client to pick up if they choose. According to 7 CFR § 251.10 (f) Limitation on unrelated activities-Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites if the person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the Department.

The person conducting the activity must make it clear that cooperation/participation is not a condition of the receipt of TEFAP USDA Foods for home consumption or prepared meals (cooperation includes contributing money, signing petitions, or conversing with the person(s)).

The activity is not conducted in a manner that disrupts the distribution of TEFAP USDA Foods or meal service. Impermissible activities include information not related to TEFAP placed in or printed on bags, boxes or other containers in which USDA Foods are distributed.

Recipes or information about USDA Foods, dates of future distributions, hours of operations or other Federal, State, or local government programs or services for the needy may be distributed without a clarification that the Department does not endorse the information.

Can food pantries impose other eligibility criteria?

No. Food pantries that distribute USDA Foods agree to use only the self - declared household income and residency as the basis for determining eligibility for all USDA Foods they distribute.

Are TEFAP LEFOs and REFOs required to publicize their services?

Yes. All LEFOs must post an exterior sign in English, Spanish and/or languages of the recipient groups in the service area.

It must include the following:

- the days and hours of operation
- the main phone number, and where to call after hours in an emergency
- the Civil Rights non-discrimination statement

LEFOs should also make reasonable efforts to inform low-income people in the community of their services, hours, and eligibility criteria.

How can food pantries serve homebound participants and determine eligibility?

Food pantries can allow authorized people (proxies) to pick up food for other participants. The eligible participant must have a current application on file. An original or photo copy of a proxy note must be on file with the LEFO. The eligible participant must sign the note. It should state that they are eligible for TEFAP and provide the name of their proxy. The proxy must show identification and sign the form attesting to the receipt of food on the participant's behalf.

Food pantries that provide home deliveries must have an application on file for eligible recipients. The eligible recipient must sign for the receipt of USDA Foods at each delivery. A new eligible participant must complete the eligibility form prior to delivery.

What if a participant lives outside of LEFOs and REFOs service area?

It is the policy of HCA that participants seeking food assistance at TEFAP sites should be provided with food assistance at the first visit. At that time, they should be given

information about other pantries serving in the area where they live.

What is First Come, First Serve?

Households must be served on a first-come, first-served basis during TEFAP distributions.

1. Each TEFAP Agency must have a schedule of dates and times for distribution. The State Agency determines how often a household can access TEFAP. New Mexico allows households to access TEFAP as often as needed. All TEFAP distribution sites must distribute at least monthly. Each distribution site will determine its frequency based on volunteers, and storage capacity.
2. TEFAP **is not** a caseload-based program. It is a first come, first served program. All eligible households must be served until the available TEFAP is gone at each distribution.
3. The Agency can determine how many households can be served each month, but they must always provide the food on a first-come, first served basis.

PROHIBITED ACTIVITY

Can EFOs or recipients sell USDA Foods?

- **No.** USDA Foods are intended solely for private consumption by eligible recipients. The sale, trade, exchange or other disposal of USDA Foods or use of USDA Foods for personal gain is strictly prohibited and subject to federal and/or state prosecution.

Can LEFOs repackage USDA Foods?

- **No.** TEFAP USDA Foods must be distributed in their original packaging to ensure food safety. Repackaging of USDA Foods by LEFOs in any form is strictly prohibited. USDA Foods are not to be opened, altered or removed from the unit containers except for meal preparation at LEFO meal sites.

Can LEFOs require income eligibility documentation?

No. TEFAP agencies may only use the TEFAP application to determine eligibility for TEFAP. Clients may not be asked for proof of income. Their signature attesting to their income eligibility is what is required for participation in TEFAP. Agencies can keep separate files for other programs or grant requirements. However, if they are unable to separate their intake requirements and files so that proof of income is not required when a client comes to apply for a TEFAP food box, then they cannot be a TEFAP agency.

Can LEFOs or REFOs require an ID to access TEFAP?

No. A TEFAP distribution site is not allowed to ask for an ID to access TEFAP.

Can LEFOs or REFOs require a physical address to access TEFAP?

No. TEFAP distribution sites cannot ask nor require a physical address to access TEFAP. A TEFAP client must provide First and Last name, County, State, and Zip Code of residence.

Can LEFOs or REFOs require additional information than what is requested on the NM TEFAP application to provide other forms of assistance to the TEFAP Household?

No. Additional information that the site may want to collect must be done elsewhere and not during a TEFAP distribution.

Can LEFOs give or trade USDA Foods among themselves?

- **Yes, In Some Cases.** A LEFO may only transfer USDA Foods to another LEFO with the prior approval of the REFO. FANS must be notified by the REFO when they have approved a transfer. LEFOs may never transfer or trade USDA Foods with another LEFO that has not been approved to distribute TEFAP.

Can EFOs ask recipients for donations?

- **No.** REFOs and LEFOs that receive federal USDA Foods may not ask recipients to donate money, materials or services in exchange for food. LEFOs may not post signs requesting “voluntary” donations nor place donation containers in the area where recipients are served.

Can LEFOs require recipients to participate in activities unrelated to TEFAP food distribution?

- **No.** Activities unrelated to the distribution of TEFAP foods or meal service may be conducted at distribution sites if the person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the Department.
- The activity must not disrupt the distribution of TEFAP USDA Foods or meal service. It must not be required.
- The person conducting the activity must make it clear that cooperation is not a condition of the receipt of TEFAP USDA Foods for home consumption or prepared meals (cooperation includes contributing money, signing petitions, or conversing with the person(s)).
- Additional activities not allowed include required volunteerism or in-kind service, political endorsements or activities and religious activities.
- Impermissible activities include information not related to TEFAP placed in or printed on bags, boxes or other containers in which USDA Foods are distributed.
- Recipes or information about USDA Foods dates of future distributions, hours of operations or other Federal, State, or local government programs or services for the needy may be distributed without clarification that the Department does not endorse the information.

See the Index of All FD (Food Distribution) National Policies located at:

<https://www.fns.usda.gov/resources>

Are LEFOs required to conduct outreach?

Yes. LEFOs should make every effort to conduct outreach. Examples of outreach include articles in organizational newsletters and newspapers, public service announcements in the media, contacting community agencies that make referrals such as social services, school counselors, churches, police, and other low-income serving organizations, placing posters in stores, laundromats and libraries, etc. Outreach to potential recipients is especially important when an agency has a large service area or serves people in more than one community.

Languages in addition to English should be utilized as warranted.

All material must include the Civil Rights non-discrimination page. The full-page statement must be included with all TEFAP forms including but not limited to: application, income guidelines, food box log, complaint forms. The FANS Bureau recommends that the statement is printed on the back of all mandatory forms.

The Civil Rights non-discrimination statement one-liner will only be used on signage, pamphlets and radio addresses.

REFOs should assist LEFOs with outreach.

Why is recipient referral so important?

Households seeking food assistance are frequently eligible for other assistance programs that may provide much needed resources and reduce the need for emergency food. This includes SNAP (formerly The Food Stamp Program), WIC, school meals, elderly meal sites, meals-on-wheels and non-nutrition programs like health care, energy assistance, cash assistance, childcare, child support, disability assistance and tax credits. Participation in non-nutrition programs can improve household food security by reducing other expenses and leaving more money in the household budget to purchase food at grocery stores.

Where can I get eligibility information on federal assistance programs?

The HCA website has information and links to programs and resources
<https://www.hca.nm.gov/lookingforassistance/>

Where can I get TEFAP forms?

All forms are included in this Guide. Updated forms are available from FANS and are provided to REFOs.

What if household needs food assistance but their income is too high for TEFAP?

The LEFO may serve households whose income is higher than 185% of the poverty level but cannot include TEFAP USDA Foods items in the food package. Although there are many reasons why a higher income family may require food assistance, federal law requires states to set a gross income limit for receipt of USDA Foods.

Can LEFO staff and volunteers receive USDA Foods?

Yes. LEFO staff and volunteers may receive USDA Foods if they meet TEFAP income and residency requirements just like any other recipient. They must complete the TEFAP eligibility form, and they cannot receive preferential treatment or larger food packages than others. Staff and volunteers at soup kitchens and shelters may receive meals prepared with USDA Foods if it is the outlet's practice to serve meals to workers and the site serves predominately low-income people.

Are there guidelines for preparing food packages?

Yes. Food packages should be as nutritionally balanced as possible and ideally contain a 3–5-day food supply for home consumption that may be adjusted for the size of the household. The actual content of each package varies depending on the food that is available.

What is a “nutritionally balanced” food package?

A nutritionally balanced food package contains meat or plant protein, fruit, vegetables, and grain (bread, rice, cereal or pasta). USDA's latest food guidance is available on the Internet at <https://www.dietaryguidelines.gov> and includes an explanation of the basic food groups and how much of each group constitute a healthy diet.

Can pantries decide whether to give fixed food packages or let recipients choose the food?

Yes. It is up to the pantry to decide what works best for them. Many pantries have become “Client Choice” - allowing families to choose the food they want within limits set for each household size. “Recipient Choice” pantries usually find that there is less waste because recipients take only the food they can use. Staff should encourage households to say “no thanks” to food items they do not want.

How often do pantries receive USDA Foods?

USDA Foods are delivered to the REFOs throughout the month. The REFO determines when LEFOs may pick up or have food delivered.

How do LEFOs physically receive delivery of USDA Foods?

The REFOs will either deliver food to LEFOs or schedule a pickup time.

What is FIFO?

First In, First Out. A system of warehouse and inventory management ensures that food received first is the first to be distributed. The best way to ensure this happens is to mark cases when they arrive with the month, day and year of receipt. The oldest stock is moved in front, where it is used first. The recently received food is put above, below or to the back of the older stock. Highly perishable items require close evaluation.

When should temperatures be reviewed and recorded?

Check all storage temperatures and record in the log each day the facility is open. An electronic log can be used in place of a paper log. REFOs or LEFOs may be closed for days or even weeks in between open hours of operation. It is important to check and record all temperatures prior to opening.

How long can USDA Foods be stored?

LEFO coordinators will manage their inventory carefully so that USDA Foods are distributed promptly. Clearly marking cases with the month and year of receipt will help ensure food is distributed in a timely manner. All of the USDA foods are warrantied and therefore must be distributed within 2 months of receiving it at the LEFO site.

What if a product passes the best if used by date?

If the USDA foods are distributed as quickly as required, USDA foods should not pass the “best by used date”. If this happens, contact the FANS Bureau immediately.

What if stored food becomes damaged, spoiled or stolen while in our possession?

Most damage occurs during transit. Carefully examine all food deliveries at the time of delivery. Note all damage on the delivery ticket that is collected by the driver. The Food Banks will then be able to collect that information and provide it to the FANS Bureau with their monthly reports.

Spoiled or stolen USDA Food must be reported as soon as possible to your REFO or FANS Bureau. See Section 5 for additional information.

Where can I find additional information on food safety?

Food and Nutrition Food Safety is located at <https://www.usda.gov/about-food/food-safety>

When our pantry prepares food packages, do we mix USDA Foods with private food or bag them separately?

There is no reason to distribute USDA Foods separately from other foods. USDA Foods must be stored in the original USDA cases until distribution for identification purposes in the event of a hold, recall or other similar situation. Eligible recipients must be told that they are receiving USDA Foods.

Where can I find more information on TEFAP and USDA Foods? These links at the federal government agency website provide program facts, a list of USDA Foods and fact sheets and recipes.

Useful Links to TEFAP Internet Web Sites	Comments
https://www.fns.usda.gov/tefap/emergency-food-assistance-program	USDA TEFAP Home Page
https://www.usda.gov/about-food/nutrition-research-and-programs/food-distribution	USDA Home Page for Food Distribution Programs
https://www.fns.usda.gov/resources	Policies for all USDA Foods Distribution Programs

FORM NAME	Page Number(s)
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Temperature Log Refrigerator/Freezer/Dry (Sample)	47
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LEFO Review Form (Combined for Food Pantry, Shelter/Meal Site and Mobile Food Pantry)	51-56
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Civil Rights Complaint Form (English and Spanish)	59-60
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**State of New Mexico
The Emergency Food Assistance Program (TEFAP)**



NAME: _____ NUMBER OF PEOPLE IN HOUSEHOLD: _____

STATE/ZIP: _____ COUNTY: _____ PHONE: _____

SECTION 1: Automatic Eligibility for TEFAP: If your household receives one of the following, please check the box below: SNAP (Food Stamps)/FDPIR/WIC/CSFP (Senior Food Box Program)

Check box if you receive one of the above programs

IF YOU CHECKED THE BOX ABOVE IN SECTION 1, YOU WOULD SKIP SECTION 2 AND GO TO SECTION 3 AT THE BOTTOM OF THE PAGE. IF YOU DID NOT CHECK THE BOX ABOVE, PLEASE FILL OUT SECTION 2 AND 3.

SECTION 2: Circle the number of people in your household AND the income limit that matches the size of household.

GROSS INCOME LIMITS – NEW MEXICO TEFAP/USDA FOODS PROGRAM (July 1, 2025 – June 30, 2026)

Household Size	Annual Income	Monthly Income	Weekly income
1	28,953	2,413	557
2	39,128	3,261	753
3	49,303	4,109	949
4	59,478	4,957	1,144
For Each Additional Family Member, Add	10,175	848	196

Is your income the same or lower than the number you circled? YES NO

SECTION 3: Please Sign and Date the Application Below: I self-attest that the total gross income for my household is at or less than the income I have circled or that my household is automatically eligible based on the programs I checked above. I self-attest that I reside within the NM County and Zip Code provided above.

Signature

Date

In accordance with Federal law and the U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin (including limited English proficiency), sex, age, disability, and reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., braille, large print, audiotope, American Sign Language) should contact the responsible State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY).

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at AD-3027 (PDF, 351 KB), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Office of the Assistant Secretary for Civil Rights (OASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

email: program.intake@usda.gov

This institution is an equal opportunity provider.

State of New Mexico
The Emergency Food Assistance Program (TEFAP)



NOMBRE: _____ NÚMERO DE PERSONAS EN EL HOGAR: _____
 CÓDIGO POSTAL: _____ ESTADO: _____ CONDADO: _____ TELÉFONO: _____

SECCIÓN 1: Elegibilidad automática para TEFAP: Si su hogar es beneficiario de uno de los siguientes programas, marque la casilla a continuación: SNAP (cupones para alimentos)/FDPIR/WIC/CSFP

Marque la casilla si es beneficiario de uno de los programas anteriores

SI MARCÓ LA CASILLA ANTERIOR EN LA SECCIÓN 1, OMITA LA SECCIÓN 2. VAYA A LA SECCIÓN 3 EN LA PARTE INFERIOR DE LA PÁGINA. SI NO MARCÓ LA CASILLA ANTERIOR, COMPLETE LAS SECCIONES 2 Y 3.

SECCIÓN 2: En la siguiente tabla, encierre en un círculo la cantidad de personas en su hogar Y encierre en un círculo el límite de ingresos que coincida con el tamaño de su hogar.

LÍMITES DE INGRESO BRUTO - PROGRAMA DE ALIMENTOS TEFAP/USDA DE NUEVO MÉXICO (1 de julio de 2025 - 30 de junio de 2026)

Integrantes del hogar	Ingresos anuales	Ingresos mensuales	Ingresos semanales
1	28,953	2,413	557
2	39,128	3,261	753
3	49,303	4,109	949
4	59,478	4,957	1,144
Para cada miembro adicional de la familia, agregue	10,175	848	196

¿Sus ingresos son iguales o inferiores al número que marcó con un círculo? SÍ NO

SECCION 3: Firme y feche la solicitud a continuación: Certifico que el ingreso bruto total de mi hogar es igual o inferior al ingreso que marqué, o que mi hogar es automáticamente elegible según los programas que marqué anteriormente. Certifico que resido en el condado y código postal de Nuevo México indicados anteriormente.

Firma Fecha

De acuerdo con la ley federal y las normas y políticas de derechos civiles del Departamento de Agricultura de los Estados Unidos, esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional (incluido el dominio limitado del inglés), sexo, edad, discapacidad y represalias por actividades previas en materia de derechos civiles.

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidad que requieran medios alternativos de comunicación para obtener información sobre el programa (por ejemplo, braille, letra grande, audio, lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el USDA a través del Servicio de Retransmisión de Telecomunicaciones al 711 (voz y TTY).

Para presentar una queja por discriminación en el programa, el denunciante debe completar el Formulario AD-3027, Formulario de Queja por Discriminación en el Programa del USDA, que puede obtenerse en línea en AD-3027 (PDF, 351 KB), en cualquier oficina del USDA, llamando al (866) 632-9992 o escribiendo una carta dirigida al USDA. La carta debe incluir el nombre, la dirección y el número de teléfono del denunciante, así como una descripción por escrito de la presunta acción discriminatoria con suficiente detalle para informar a la Oficina del Subsecretario de Derechos Civiles (OASCR) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. El formulario AD-3027 o la carta completa deben enviarse al USDA por:

correo postal:
 Departamento de Agricultura de los EE. UU.
 Oficina del Subsecretario de Derechos Civiles
 1400 Independence Avenue, SW
 Washington, D.C. 20250-9410; o
 correo electrónico: program.intake@usda.gov

Esta institución es un proveedor de igualdad de oportunidades.

STATE OF NEW MEXICO

LOCAL EMERGENCY FEEDING ORGANIZATION AGREEMENT TO RECEIVE USDA FOODS -TEFAP



YES, we _____ (Name of LEFO) located at _____
want to order and receive USDA Foods- TEFAP from _____
(Name of REFO) to assist us in feeding needy people. We are an emergency feeding
organization, per 7CFR § 251.3(e). We agree to meet all food bank requirements, including the
following:

- We have been given a copy of the New Mexico TEFAP Manual for the distribution of USDA TEFAP Foods, and we agree to abide by the established guidelines.
- We agree to operate the program in accordance with 7CFR § 251, and as applicable, 7CFR 250.
- This agreement is considered permanent, with amendments to be made as necessary.
- We agree to distribute USDA foods for household consumption pursuant to a means test established pursuant to 7 CFR § 251.5 (b) or serve prepared meals to needy people pursuant to 7 CFR § 251.5 (a) (2). 7 CFR § 251.3 (b) (c) (d)
- This agreement may be terminated by either party upon 30 days' written notice. This includes cause or by reason of material breach. We understand that during the 30 days we may or may not receive USDA Foods based on the reason for termination. 7 CFR § 250.12 (c) 3 and 7 CFR § 251.2 (c) 2
- We agree to inform recipients of USDA TEFAP Foods that participation in the activities of our agency is not a condition of eligibility for receiving USDA Foods. This includes prayer services, religious activities and political activities. 7 CFR § 251.10 (f)
- The state agency shall immediately terminate from further participation in TEFAP operations any eligible recipient agency that distributes or permits distribution of materials in a manner inconsistent with the provision of paragraph 7 CFR § 251.10 (f) 1
- We understand that if USDA TEFAP Foods are misused, lost or damaged due to negligence a claim can be assessed against our organization. 7 CFR § 251.4 (K) with prior approval from the HCA Food and Nutrition Services Bureau (FANS).
- We agree to use current income guidelines provided by FANS in determining the eligibility of individuals to receive USDA Foods-TEFAP. 7 CFR § 251.5
- USDA TEFAP Foods will not be sold, exchanged, or otherwise disposed of without the approval of FANS 7 CFR § 250.13 (a) (ii) & 7 CFR § 251.4 (g)
- We agree to properly store USDA TEFAP Foods and to regularly monitor our storage facilities at 7 CFR § 250.14 (b)
- We agree to notify _____(Name of REFO) of the following changes:
 - Physical or Mailing Address Change
 - Contact Person Change
 - Date, Day or Time of Distribution Change

- We understand that we will receive USDA Foods-TEFAP from only one REFO.
- We understand that we will receive USDA food allotments based on our county of location.
- We will order USDA Foods-TEFAP only in amounts that can be used or distributed within one month.
- We understand that the food bank cannot assure the availability or variety of USDA Foods.
- We agree to comply with recipient’s rights to confidentiality and All Civil Rights laws, regulations, policies and requirements. These guidelines are in the TEFAP Manual and FNS 113-1. We agree to comply with all changes as required.
- There shall be no discrimination in the distribution of foods for home consumption or availability of meals prepared from commodities (USDA Foods) donated under this part because of race, color, national origin, sex, age or handicap. 7 CFR 251.10 (c)
- We agree to use the current Civil Rights Nondiscrimination statement on all published materials including websites (if applicable) per the TEFAP Manual and FNS 113-1.
- The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), the Age Discrimination Act of 1975 (42 U.S.C. §6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from, participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal Financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.
- We agree to perform due diligence in adhering to NM TEFAP Rules and Regulations as provided in this manual, memos, and guidance provided by USDA or NM Health Care Authority.

Local Emergency Feeding Organization (LEFO) Representative:

Print Name	Title	Signature	Date
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Regional Emergency Feeding Organization (REFO) Representative:

Print Name	Title	Signature	Date
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THIS DOCUMENT REQUIRES SIGNATURES FROM REFO AND LEFO. IT MUST BE ON FILE AT ALL TIMES AND WILL BE ASKED FOR DURING REVIEW.

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NAME OF AGENCY REPORTING:
FOOD BOX LOG

Date of Distribution:

Page ____ of ____ Page(s)



HEALTH CARE
AUTHORITY

No.	Household Name/Nombre en su hogar		Household Size/ Numero de la personas en su hogar	Signature of Adult Member/ La firma de Miembro Adulto
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

TEMPERATURE LOG: _____ **MONTH & YEAR**

DATE & TIME	DRY 1	DRY 2	COOLER 1	COOLER 2	COOLER 3	COOLER 4	FREEZER 1	FREEZER 2	FREEZER 3	NAME OR INITIALS
1										
2										
3										
4										
5										
6										
7										
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USDA FOODS (COMMODITY) HOLD/LOSS INFORMATION FORM

All USDA Foods (Commodity) losses must be reported to the Food & Nutrition Services Bureau (FANS) immediately. Failure to do so may result in an automatic claim being filed against your agency for the full value of the loss.

INSTRUCTIONS: Complete the entire form and attach the following information, which pertains to the loss.

- 1) Digital photographs of loss or damage if available/applicable
- 2) Copies of temperature logs for the previous month surrounding loss (if spoiled or infested)
- 3) Copy of pest control records (if infested) If applicable, include pest control contract or invoice
- 4) Copy of police report or Fire Marshall report, if applicable
- 5) Copy of repair bills (if cooler/freezer malfunctioned), when applicable

FOR OFFICIAL USE ONLY
CLAIM NUMBER

Name of REFO or LEFO: _____
 Physical Address: _____
 Mailing Address: _____
 Phone: _____
 Authorized Representative: _____

TYPE OF LOSS	DATE OF LOSS
THEFT	
SPOILAGE	
DAMAGE	
INFESTATION	

DESCRIPTION OF USDA FOODS LOST

ITEM NAME	UNIT SIZE	CASE AMOUNT	ODDS AMOUNT	DATE RECEIVED	PACK DATE CONTRACT #	INVOICE #	COST ON INVOICE	DOLLAR VALUE

TOTAL DOLLAR VALUE: _____

Please provide a description of the loss. What happened?

SIGNATURE OF AUTHORIZED REPRESENTATIVE

PRINT NAME OF AUTHORIZED REPRESENTATIVE

DATE

NAME OF AGENCY

Volunteer Confidentiality and Disclosure Acknowledgement Form

As a volunteer of this organization, I understand that I may have access to confidential information, both verbal and written, relating to clients, volunteers or staff and the organization.

I understand, and agree, that all such information is to be treated confidentially and discussed only within the boundaries of my volunteer position at this organization.

I also agree not to discuss these same matters after I have left my volunteer position at this organization. I further understand that breach of this agreement shall constitute grounds for and may result in termination of my volunteer status with this organization.

I will not disclose any information obtained in the course of my volunteer placement to any third parties without prior written consent from the organization. This includes but is not limited to information pertaining to financial status and operations such as budget information, donations of money or gifts in kind, salary information, information pertaining to clients, staff or other volunteers except where such disclosure is consistent with stated policy and relevant legislation.

No information concerning any volunteer will be divulged without prior written consent of the volunteer. This includes addresses, telephone numbers, etc.

Failure to comply with the confidential policies of the organization may result in disciplinary actions, including the dismissal of the volunteer.

I understand the above and agree to uphold the confidentiality of these matters both during and following my volunteer service with the organization.

Please sign below to indicate your acceptance and agreement with these terms outlined above.

Volunteer Signature: _____

Date: _____

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NOMBRE DE LA AGENCIA

Voluntarios de Confidencialidad y Divulgación de Acuse de Recibo

Como voluntario de esta organización, entiendo que yo pueda tener acceso a información confidencial, tanto verbal como escrita, en relación con los clientes, los voluntarios o el personal y la organización.

Yo entiendo y estoy de acuerdo, que toda esa información debe ser tratada de forma confidencial y sólo se discutió dentro de los límites de mi posición de voluntario en esta organización.

También estoy de acuerdo de no hablar de estas mismas cuestiones después de haber dejado mi puesto de voluntario en esta organización. Además, entiendo que el incumplimiento de este acuerdo servirá de fundamento para y puede resultar en la terminación de mi condición de voluntario en esta organización.

Yo no voy a revelar cualquier información obtenida en el curso de mi trabajo voluntario a terceros sin el consentimiento previo por escrito de la organización. Esto incluye pero no se limita a la información relativa a la situación financiera y las operaciones, tales como información sobre el presupuesto, las donaciones de dinero o regalos en especie, la información sobre salarios, la información relativa a clientes, empleados o voluntarios de otras, salvo que dicha divulgación es consistente con la política declarada y relevante legislación.

No hay información relativa a cualquier voluntario será divulgada sin el consentimiento previo por escrito de los voluntarios. Esto incluye direcciones, números de teléfono, etc.

El incumplimiento de las políticas de confidencialidad de la organización puede dar lugar a acciones disciplinarias, incluyendo el despido de los voluntarios.

Entiendo lo anterior y de acuerdo con mantener la confidencialidad de estas cuestiones durante y después de mi servicio voluntario en la organización.

Por favor firme abajo para indicar su aceptación y acuerdo con estos términos antes expuestos.

Voluntarios Firma: _____

Fecha: _____

Esta institución ofrece igualdad de oportunidades.



USDA Donated Foods (TEFAP) Emergency Food Organization Review Form

- PANTRY REVIEW SOUP KITCHEN MOBILE PANTRY

Agency Name:	Address – Street, City, Zip Code	
Email Address:	Mailing Address if different:	
Name of REFO:	Person(s) Interviewed:	
Reviewer’s Name:		Review Date:

Use of form: This will be used to determine compliance with established program and food storage guidelines and the adequacy of physical storage to protect the quality and safety of the USDA Foods.

Instructions: When appropriate check the box to the left of each question: “Yes”, “No”, “NA” (not applicable).

Food Receipt

1. What is the Distribution Schedule or Meal Service? Day or Date and Time

2. What is the average number of households or meals served each month?

Yes No NA

3. Are the days and hours of operation posted outside the facility?

4. TEFAP USDA Foods are:

_____ Delivered by REFO _____ Picked up by agency

5. What is the date of the most recent pick up or delivery?

6. How many times per month is food picked up or delivered? If received more than 1 x month what is the frequency? Notes or Comments:

7. Have any USDA Foods received that were spoiled or out of condition? If “Yes”, explain:

8. Have losses been reported to the REFO in a timely manner using the correct forms and procedures?

9. Explain your food ordering procedures from the regional food bank.

General Information:

Yes No NA

1. Does the agency have signed a current agreement with a REFO?

2. Is a copy of the agreement on file at the agency?

_____ 3. How long has the agency been in operation?

4. Does the agency have current 501(c)3 or other exempt status?

_____ 5. How long has the agency received USDA Foods?

6. Are there paid staff?

_____ 7. How many volunteers are involved in your food program each month?

8. Has the agency received training on the standards for participation in TEFAP?

_____ 9. What was the date of the most recent training?

_____ 10. What was the date of the most recent on-site review?

11. Is a copy of the review on file?

12. If corrective action was required, have ALL issues been resolved? If "NO"
Please explain below.

13. Does the agency submit reports to the REFO in a timely fashion?

_____ 14. What is the agency's service area? (Specify zip codes, municipality or county as appropriate)

15. Do you serve clients outside your service area?

_____ 16. If "Yes" how many each month?

_____ 17. Describe outreach and networking efforts used to ensure the public is aware of the services.
How are households with limited English comprehension (LEP) made aware of the services?

Soup Kitchens/Shelters:

18. Do you require recipients to complete an eligibility application or any other means test to participate in your congregate meals? Explain.

Outreach: Eligibility Procedures (Pantries and Mass Distribution only)

Yes No NA

1. Are clients required to complete an application for USDA Foods to determine initial eligibility?
2. Are current Income Eligibility Guidelines included/ available at the time of application?
3. Are these forms kept on file for three years?
4. Where are the forms stored?
_____ On site _____ REFO _____ Other
5. Are the forms kept in a secure locked cabinet or locked room?
6. Does the agency require clients to obtain a referral from an outside agency to receive USDA Foods?
7. Does the agency require clients to show ID if they are unknown to the agency workers?
No longer allowed as of 12/30/2024.
9. Does the client self-declare income to determine eligibility for receipt?
10. Does the agency have a system in place to serve the homebound
11. Describe the process used to serve homebound clients:

12. Does the homebound client complete or sign an application for USDA Foods?
13. Is the proxy required to sign for receipt of USDA Foods?
14. Do workers/volunteers receive USDA Foods?
15. Do workers/volunteers complete an application for USDA Foods?
16. Do workers/volunteers receive USDA Foods if they do not meet the income eligibility guidelines?
17. Do workers/volunteers receive the same amount as other participants? If "No" Explain.

Operations Integrity/Civil Rights Compliance

Yes No NA

1. Are fees/donations/memberships required for the clients?
2. Do all certification and distribution activities appear to be appropriate regarding Civil Rights?
3. Is the intake process conducted in a polite, culturally sensitive and confidential manner that assures the client dignity.
4. Is there sufficient space between interview and waiting areas to allow confidentiality?
- _____ 5. What ethnic or non-English speaking population does the agency serve (best estimate)
6. Does the agency have essential materials in languages for non-English speaking clients?
7. Does the agency know about language interpretation services through the FANS Bureau?
9. Does the agency have a process for informing the public, potentially eligible populations, community leaders, grassroots organizations and referral services about FNS programs and applicable Civil Rights requirements? Explain the process.
- _____
- _____
10. Is the non-discrimination statement included on all printed material?
11. Does the agency have a website and/or mobile website?
12. Is the non-discrimination statement included correctly on the website and/or mobile website?
13. Do they convey the message of equal opportunity in all photographic and other graphics used on program related information? Explain:
- _____
- _____
14. Is the USDA “And Justice For All: (AD-475-A, 11” x 17”) poster displayed and visible to clients at registration area?
15. Were there any discrimination complaints filed against the agency in the last year?
16. If so, were they forwarded appropriately?

Food Distribution (Pantries only)

Yes No NA

1. Are households limited to TEFAP once every 30 days at this agency?
2. Is the distribution client choice?
3. Are food packages adjusted for family size?
4. Does the pantry give ALL eligible households both TEFAP and donated foods?

Food Storage & Inventory

Yes No NA

1. Are USDA Foods kept 4" off the floor and stored on pallets, platforms or shelves?
2. Are USDA Foods stored away from walls to allow proper ventilation and permit good air circulation and sufficient working aisles?
3. Are storage areas free of un-insulated steam and hot water pipes, water heaters, refrigeration condensing units or other heat producing devices?
4. Are non-food and toxic items (soap, bleach, cleaning supplies) kept separate from USDA Foods?
5. Are floors, pallets and shelving clean?
6. Are USDA Foods storage areas clean and odor free?
7. Is there a regular cleaning schedule established and maintained?
8. Are USDA Foods checked regularly for signs of spoilage or damage and are the dates of inspections logged?
9. Are doors, windows and roofs well sealed to prevent pest entry and/or water damage?
10. Do the storage areas have adequate safeguards to prevent theft, spoilage or other loss? e.g. locks on doors, windows, limited access?
11. Is a good pest control system maintained by a qualified person on staff or does the LEFO contract with a licensed firm to manage pest control?

Contractor _____ Date of Last Inspection _____

12. Is the temperature log maintained?
13. Are dry, refrigerated and frozen items stored at proper temperatures?

Actual readings: Dry Storage: _____

Coolers: _____

Freezers: _____

14. Are controls in place that ensure a first in, first out inventory flow?

15. Are there any TEFAP USDA Foods currently in storage that were received more than six months prior to the date of this review?

16. Is the inventory in storage appropriate considering the size of the LEFO service area, its distribution activities and its physical facilities?

17. Does the agency repackage or process TEFAP USDA Foods?

18. List the type and amount of full cases of USDA Foods currently in inventory.

19. Are there an excessive number of cases of any item? If "Yes" describe:

20. What produce is included in today's distribution? Please describe the type and amount distributed today.

Please explain to the Food & Nutrition Services Bureau what corrective action will be taken by your agency to correct any deficiencies that were found during this review and a date when these deficiencies will be corrected.

Findings:

Signature of Agency Representative

Date

Signature of Reviewer

Date

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NAME OF AGENCY REPORTING:

MONTHLY MEAL LOG

MONTH:

YEAR:

No.	Date	Number of Meals Served
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		

Name of Pantry or Meal Site

Attachment L

Monday	00:00	to	00:00
Tuesday	00:00	to	00:00
Wednesday	00:00	to	00:00
Thursday	00:00	to	00:00
Friday	00:00	to	00:00
Saturday	00:00	to	00:00
Sunday	00:00	to	00:00

*For Emergency Food Assistance after hours please
call: xxx-xxx-xxxx
or visit your local Human Services Department xxx-
xxx-xxxx at 123 Main St.*

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Esta institución es un proveedor igual de oportunidad.

**THE EMERGENCY FOOD ASSISTANCE PROGRAM – TEFAP
CIVIL RIGHTS DISCRIMINATION COMPLAINT FORM**



NAME OF COMPLAINANT:

ADDRESS:

TELEPHONE:

NAME AND TITLE OF PERSON/PERSONS RESPONSIBLE FOR DISCRIMINATION:

ADDRESS:

DATE(S) OF INCIDENT:

BASIS FOR DISCRIMINATION:

- | | | | | | |
|--------------------------|------|--------------------------|-----------------|--------------------------|------------|
| <input type="checkbox"/> | RACE | <input type="checkbox"/> | COLOR | <input type="checkbox"/> | AGE |
| <input type="checkbox"/> | SEX | <input type="checkbox"/> | NATIONAL ORIGIN | <input type="checkbox"/> | DISABILITY |

NATURE OF COMPLAINT: Describe fully; use additional pages if necessary

WITNESS (ES) TO DISCRIMINATION, if any: Name, Address, Telephone Number

Signature

Date

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**ASISTENCIA ALIMENTICA DE EMERGENCIA PROGRAMA – TEFAP
DERECHOS DE LA DISCRIMINACIÓN CIVIL FORMULARIO DE QUEJA**



NOMBRE DEL DENUNCIANTE:

DIRECCIÓN:

TELÉFONO:

NOMBRE Y CARGO DE LA PERSONA o personas responsables de la discriminación:

DIRECCIÓN:

FECHA (S) DEL INCIDENTE:

Base para la discriminación:

- | | | | | | |
|--------------------------|------|--------------------------|-----------------|--------------------------|--------------|
| <input type="checkbox"/> | RAZA | <input type="checkbox"/> | COLOR | <input type="checkbox"/> | EDAD |
| <input type="checkbox"/> | SEXO | <input type="checkbox"/> | ORIGEN NACIONAL | <input type="checkbox"/> | DISCAPACIDAD |

NATURALEZA DE LA QUEJA: Describa todos los detalles, use páginas adicionales si es necesario

Testigo (s) a la discriminación, en su caso: Nombre, dirección, número de teléfono

Firma

Fecha

Esta institución ofrece igualdad de oportunidades.



USDA Foods – TEFAP Proxy Authorization

I, _____, hereby authorize _____
(Client Name) (Name of Person to Pick Up Box)

To pick-up my TEFAP – USDA Foods from _____
(Name of Organization)

And deliver it to me at my residence as I am unable to do so myself. This Authorization shall remain in effect until _____ or 12 months from today’s date.

Client Signature Date

Agency Representative Date

CHANGES REQUESTED:

<u>New Authorized Name</u>	<u>Agency Representative</u>	<u>Date</u>
_____ / _____ / _____		
_____ / _____ / _____		

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HEALTH CARE
AUTHORITY

USDA Foods - TEFAP Proxy Authorization

Yo, _____, por la presente autorizo _____
(nombre del cliente) (nombre de la persona a recoger)

Para recoger mi TEFAP USDA Foods de _____
(Nombre de la agencia u organizacion)

Y entregarmelo en mi domicilio Ya que no puedo hacerlo yo mismo. Esta autorizacion Debera permanecer en
Vigor hasta _____ o 12 meses a partir de la fecha de hoy.

Firma de cliente fecha

Representante de la Agencia fecha

CAMBIOS SOLICITADOS:

<u>Nuevo nombre autorizad</u>	<u>Representante de la Agencia</u>	<u>Fecha</u>
_____	_____	_____
_____	_____	_____

Esta institución ofrece igualdad de oportunidades.