

**FREE FOOD
FOR NEW
MEXICO
SENIORS**

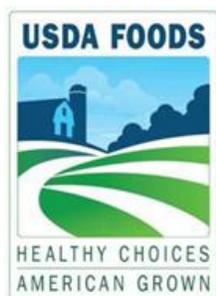


**NEW
MEXICO
SENIOR
FOOD BOX
PROGRAM**

COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)



PROGRAM STANDARDS and REQUIREMENTS AUGUST 2023 NEW MEXICO



The Mission of the Human Services Department (HSD)

To transform lives. Working with our partners, we design and deliver innovative, high-quality health and human services that improve the security and promote independence for New Mexicans in their communities.

In accordance with federal civil rights law and 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, sex (including gender identity and sexual orientation), disability, age, or 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 to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, 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 Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

05/05/2022

CONTENTS

SECTION 1	BACKGROUND AND INFORMATION.....	4
SECTION 2	PROGRAM ADMINISTRATION	5
SECTION 3	CIVIL RIGHTS COMPLIANCE FNS INSTRUCTION 113-1.....	7
SECTION 4	APPLICATION, ELIGIBILITY AND RECERTIFICATION	15
SECTION 5	FAIR HEARINGS, RIGHTS & RESPONSIBILITIES.....	23
SECTION 6	NUTRITION EDUCATION and OUTREACH.....	25
SECTION 7	STORAGE AND HANDLING 7 CFR 247.28 & 7 CFR 250.12.....	27
SECTION 8	USDA FOODS HOLD, RECALLS, LOSS & COMPLAINTS	30
SECTION 9	CLAIMS ACTION 7 CFR 247.30 & 7CFR 250.16	30
SECTION 11	MANAGEMENT REVIEWS 7 CFR 247.34.....	31
SECTION 11	CSFP STATE PLAN 7 CFR 247.6	34
SECTION 12	DEFINITIONS AND ACRONYMS	35

SECTION 1 BACKGROUND AND INFORMATION

The New Mexico Human Services Department (NMHSD) Food and Nutrition Services Bureau (FANS) provides the New Mexico Commodity Supplemental Food Program (CSFP) Standards and Requirements manual to clarify state policy and program procedures for those agencies that are assisting in the administration of CSFP. The intent of this manual is to establish and maintain a consistent statewide minimum level of service for the network distribution of CSFP USDA Foods. The manual provides the framework for acceptable compliance to program guidelines established by the Food and Nutrition Services Bureau and the United States Department of Agriculture (USDA) federal program regulations, found in the Code of Federal Regulations (CFR), Distribution of Donated Foods, 7CFR 250 and the Commodity Supplemental Food Program, 7CFR 247.

New Mexico CSFP Program Standards and Requirements contains information about the rules, regulations, reports, and forms for CSFP recipient agencies and their sub distributing agencies that have agreements with the Human Services Department to administer the CSFP 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.

The New Mexico Commodity Supplemental Food Program (CSFP) shall be administered in accordance with federal regulations, the State Plan, and the Program Standards and Requirements Manual.

AVAILABILITY OF MANUAL

All agencies participating in CSFP must have and maintain a physical manual or readily accessible digital manual on site.

To request an electronic or hardcopy of this manual, referenced agreements, forms, or samples of agreements or forms, please contact FANS at the following address:

**CSFP Manager
HSD/Food and Nutrition Services Bureau
1425 William SE
Albuquerque, NM 87102-4661**

Office Phone: 505-841-2693 or 1-800-648-7167

SECTION 2 PROGRAM ADMINISTRATION

STATE ADMINISTRATION

The USDA has designated The New Mexico Human Services Department (NMHSD), Income Support Division (ISD), Food and Nutrition Services Bureau (FANS) as the distributing agency responsible for the administration of the Commodity Supplemental Food Program in New Mexico. FANS is responsible for effective program administration in accordance with 7CFR 247 and applicable regulations in 7CFR 250. NMHSD issues contracts and contract amendments for regional and local level administration of the programs.

LEGAL BASIS:

The program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973.

FEDERAL REGULATIONS:

The CSFP is defined in Title 7 – Agriculture, Code of Federal Regulations Chapter II – Food and Nutrition Service, Department of Agriculture, Parts 247 and 250 referred to here after as 7 CFR 247 and 7 CFR 250. Local Agencies shall comply with all applicable parts of this and related federal regulations.

Regulations are available at:

7CFR 247: [Electronic Code of Federal Regulations \(eCFR\)](#)

And

7CFR 250: [Electronic Code of Federal Regulations \(eCFR\)](#)

Food Distribution National Policy Memoranda issued about the CSFP serve to clarify the regulations and provide guidelines. Local Agencies shall comply with all Food Distribution National Policy Memoranda CSFP and Food Distribution Policy Memoranda are available at: [FNS Documents & Resources | USDA-FNS](#)

Information about other USDA Food Nutrition Programs may be found at:

[FNS Nutrition Programs | USDA-FNS](#)

RECIPIENT-LOCAL AGENCIES-CONTRACTORS

The State Agency may select sub distributing agencies (e.g., another State agency, a local governmental agency, or a nonprofit organization) to distribute or store USDA CSFP Foods or to perform other program functions on behalf of the State agency. Recipient Agencies, also referred to as Local Agencies or Contractors, are federally tax exempt, nonprofit charitable organizations recognized as Internal Revenue Service Code 501 (c) (3) organizations. They are legally authorized to operate in the State of New Mexico. The State issues a Request for Proposal (RFP) to determine service areas within the state. The minimum area of service for a Contractor is one county. The HSD Secretary awards the counties of service to successful RFP respondents, based on recommendations that are most advantageous to the HSD.

Contractors must have a sub-distributing agency contractual agreement with FANS for CSFP local administration. Contractors are required to follow the Code of Federal Regulations, Distribution of Donated Foods, 7CFR 250 and the Commodity Supplemental Food Program, 7CFR 247 and any applicable State laws and regulations.

DISTRIBUTION SITES

The Contractors develop their distribution sites based on the zip codes and geographic features in their counties of operation. There are two types of Distribution Sites. They are Drop Off and Tailgate sites. The Distribution Sites operate within an assigned service area to avoid dual participation.

Distribution Sites and the Contractor must have a signed site agreement. Distribution sites must agree to abide by all guidelines established for the distribution of USDA Foods as set forth in 7 CFR 247 and 7 CFR 250.

Drop Off Distribution Sites must sign a receipt for USDA Foods that they receive. This is available in ICOS as a Drop Off Report. The contractor will provide a Roster or Individual Menus for the Drop Off for tracking the distribution of the CSFP packages.

Contractors must conduct pre-approval reviews to ensure that new distribution sites are able to administer CSFP within Federal requirements, including Civil Rights.

Contractors must conduct annual reviews of the Drop Off sites under their jurisdiction. Please refer to Section 9, Management Reviews & Program Monitoring for additional information.

The CSFP Manager and/or the Contractor will provide training and technical assistance to Distribution Sites for CSFP Policies and Procedures.

Distribution sites and the contractor are required to conduct outreach.

Where can I get eligibility information on federal assistance programs?

The NMHSD website has information and links to programs and resources
<http://www.hsd.state.nm.us/LookingForAssistance/Default.aspx>

SECTION 3 CIVIL RIGHTS COMPLIANCE FNS INSTRUCTION 113-1

REQUIRED NON-DISCRIMINATION STATEMENT

All information materials and sources, including Web sites, developed, or used by State Agencies their Contractors 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 civil rights law and 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, sex (including gender identity and sexual orientation), disability, age, or 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 to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, 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 Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- 1. mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
- 2. fax:**
(833) 256-1665 or (202) 690-7442; or
- 3. email:**
program.intake@usda.gov

This institution is an equal opportunity provider.

05/05/2022

De acuerdo con la ley federal de derechos civiles y las normas y políticas de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta entidad está prohibida de discriminar por motivos de raza, color, origen nacional, sexo (incluyendo identidad de género y orientación sexual), discapacidad, edad, o represalia o retorsión por actividades previas de derechos civiles.

La información sobre el programa puede estar disponible en otros idiomas que no sean el inglés. Las personas con discapacidades que requieren medios alternos de comunicación para obtener la información del programa (por ejemplo, Braille, letra grande, cinta de audio, lenguaje de señas americano (ASL), etc.) deben comunicarse con la agencia local o estatal responsable de administrar el programa o con el Centro TARGET del USDA al (202) 720-2600 (voz y TTY) o comuníquese con el USDA a través del Servicio Federal de Retransmisión al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe llenar un formulario AD-3027, formulario de queja por discriminación en el programa del USDA, el cual puede obtenerse en línea en: <https://www.fns.usda.gov/sites/default/files/resource-files/usda-program-discrimination-complaint-form-spanish.pdf>, de cualquier oficina de USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida a USDA. La carta debe contener el nombre del demandante, la dirección, el número de teléfono y una descripción escrita de la acción discriminatoria alegada con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR) sobre la naturaleza y fecha de una presunta violación de derechos civiles. El formulario AD-3027 completado o la carta debe presentarse a USDA por:

- (1) correo:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400
Independence Avenue, SW
Washington, D.C. 20250-9410; or
- (2) fax:
(833) 256-1665 o (202) 690-7442; o
- (3) correo electrónico:
program.intake@usda.gov

Esta institución es un proveedor que ofrece igualdad de oportunidades.

COMPLAINT OF DISCRIMINATION

Any individual has the right to file a complaint with the Distribution Site, Contractor, 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 HSD/FANS/CSFP Manager.

All complaints written or verbal reported to or filed with a Distribution Site or Contractor must be forwarded to HSD/FANS/CSFP Manager 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 HSD/FANS/CSFP Manager or FANS designee will be forwarded within 3 working days to USDA/FNS/ for investigation.

FNS will investigate the case.

Distribution Site and Warehouse Personnel and Volunteers must know the procedure for filing a complaint.

Everyone (Staff, Volunteers, State Agency Employees and USDA Staff) working with CSFP 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.

When possible, utilize the Civil Rights Complaint Form for all complaints. You may use the link below for a copy:

[USDA Program Discrimination Complaint Form](https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf)

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>

It is not a requirement or mandatory to use a specific form.

Complaints may be sent or faxed (505-841-2691) to:

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

To file a program discrimination complaint, you may obtain a complaint form by sending an email to OAC@usda.gov. You or your authorized representative must sign the complaint form. You are not required to use the complaint form. You may also file a program discrimination complaint by writing a letter to the Center for Civil Rights Enforcement:

U.S. Department of Agriculture
Director, Center for Civil Rights Enforcement
1400 Independence Avenue, SW
Washington, DC 20250-9410

For additional information about what to include in your letter, see How to File a Program Discrimination Complaint, on our Web site. For information on the discrimination complaint process, contact the Office of the Assistant Secretary for Civil Rights, Information Research Service, on (202) 260-1026 or (866) 632-9992 (toll free) or send an email to the Office of the Assistant Secretary for Civil Rights at CR-INFO@usda.gov. Individuals who are deaf, hard of hearing, or have speech disabilities, may contact us through the Federal Relay Service on (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 CSFP are **race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.**

The names, telephone numbers, titles, and business or personal addresses of persons 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 Contractors and Distribution Sites 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 following factors are used to determine the provision of LEP services:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient
- The frequency with which LEP individuals come in contact with 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, FANS with the Contractors and Distribution Sites will identify when applications and written materials should be available in other languages.

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

HSD/ISD/FANS can provide translation services via phone translation. Please call the FANS Bureau when you need translation. A FANS Bureau staff member will call the translation services for you. A Translation Card and Tips and Advice for utilizing the translation services should be available to all staff during distributions.

ACCOMMODATING THE NEEDS OF PERSONS WITH DISABILITIES

Americans with Disabilities Act (28 CFR Part 35, Title II, Subtitle A), which prohibits discrimination on the basis of 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 an 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 of an auxiliary aid or service, the recipient agency must contact HSD/FANS/CSFP Manager. The State agency will refer all requests for alternative formats for CSFP recipients with visual disabilities to the Human Services Department ADA Coordinator.

CIVIL RIGHTS TRAINING

In accordance with FNS Instruction 113-1 (November 8, 2005) [FNS 113-1: Civil Rights Compliance and Enforcement | Food and Nutrition Service \(usda.gov\)](#), 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.

Contractors and Warehouses will provide annual Civil Rights training for all Distribution Site Personnel in their service area.

Contractors and Warehouses will maintain hard or electronic copies of attendance sheets for all Civil Rights trainings.

Civil Rights training materials for Contractors and Warehouse Personnel must be available and may be provided electronically at the warehouse.

Specific subject matter that must be included in all Civil Rights training includes, but is not 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 persons with disabilities (ADA)
- Requirements for language assistance (LEP)
- Conflict resolution
- Customer service

WRITTEN NOTICE AND REFERRAL REQUIREMENTS FOR BENEFICIARIES RECEIVING CSFP BENEFITS FROM RELIGIOUS ORGANIZATIONS (7 CFR PART 16, FD-138)

In accordance with 7 CFR Part 16.4(f), faith-based or religious organizations that receive USDA Foods or administrative funds for CSFP must give written notice in the manner prescribed in FD-138 to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider when available. Please see USDA FNS Policy Memorandums: FD-138, FD-141 and FD-142. Links to the respective Memos are below.

<https://www.fns.usda.gov/usda-foods/written-notice-and-referral-requirements-beneficiaries-receiving-tefap-and-csfp-benefits-religious>
<https://www.fns.usda.gov/usda-foods/questions-and-answers-equal-opportunity-religious-organizations>
<https://www.fns.usda.gov/usda-foods/prohibition-against-explicitly-religious-activities>

SECTION 4 APPLICATION, ELIGIBILITY AND RECERTIFICATION

Prior to the issuance of program benefits, trained certifying officials shall verify that each applicant is eligible, determine availability of caseload, make written notifications, and maintain required documentation in accordance with program regulations.

APPLICATION PROCEDURES

Local agencies shall assure certifying officials are trained and demonstrate understanding of the requirements of the certification process.

- 1) Certification data for each applicant is recorded on the CSFP Application form.
- 2) The same information is recorded in ICOS.
- 3) Any individual requesting to apply shall be allowed to complete the CSFP application form.

If caseload is not available, eligible applicants shall be placed on a waiting list.

All CSFP Applications must be retained for a period of three years following the end of the federal fiscal year to which the records pertain, including those of applicants determined to be ineligible.

INDIVIDUALS APPLYING TO PARTICIPATE IN CSFP

7CFR 247.8

To apply for CSFP benefits, the applicant or the proxy of the applicant must provide the following information at the time of the application:

Name
Address
Identification
Household income
Household size
Age of applicant and household members

Providing information is different from verification. The details for required verification or applicant/recipient statement accepted are in the following sections.

The applicant or the proxy of the applicant must be informed of their Rights and Responsibilities in accordance with 7CFR 247.12.

The following statement must be read by or to the applicant or the proxy of the applicant before signing. The applicant signs the application form beneath the printed statement.

“This application is being completed in connection with the receipt of Federal assistance. Program officials may verify the information on this form. I am aware that deliberate misrepresentation may subject me to prosecution under applicable State and Federal statutes. I am also aware that I may not receive both CSFP and WIC benefits simultaneously, and I may not receive CSFP benefits at more than one CSFP site at the same time. Furthermore, I am aware that the information provided may be shared with other organizations to detect and prevent dual participation. I have been advised of my rights and obligations under this program. I certify that the information I have provided for my eligibility determination is correct to the best of my knowledge.

I authorize the release of information provided on this application form to other organizations administering assistance programs for use in determining my eligibility for participating in other public assistance programs and for program outreach purposes.

(Please indicate decision by placing a checkmark in the appropriate box.)

YES

NO

IDENTIFICATION

7 CFR 247.8

THE ELIGIBLE RECIPIENT OR THEIR PROXY MUST PROVIDE IDENTIFICATION:

- ◆ **AT APPLICATION**
- ◆ **AT RE-CERTIFICATION AND**
- ◆ **FOR THE RECEIPT OF USDA FOODS.**

A Photo ID is Preferred. Identification documents can be a Driver's License, State ID card, another form of a Picture ID, or any other form that proves identity. The CSFP card can be used if the recipient or proxy does not have another acceptable form of identification.

It does not need to be current.

The document can be issued by another state or country.

7 CFR 247.10 Distribution and use of CSFP commodities.

(B) What must the local agency do to ensure that commodities are distributed only to CSFP Participants? The local agency Must Require each participant, or participant's proxy, to present some form of identification before distributing commodities to that person.

Contractors are required to record distribution of packages to individuals. Individuals are not required to sign for receipt of packages. Contractors may use ICOS reports: Roster, Drop Off Report, Menus to record recipient receipt of packages.

STATE & LOCAL AGENCY RESPONSIBILITIES

7CFR 247.5 (C)7

Homebound and Courtesy Home Deliveries.

Local agencies are required to meet the special needs of the homebound elderly, to the extent possible. They are encouraged to coordinate their efforts with the local Area Agency on Aging (AAA) and the local "Meals on Wheels" or similar, food delivery programs. Local Agencies work with AAAs to identify potential homebound candidates, to conduct outreach, and to conduct certification and delivery of food packages. LA's may allow designated proxies to pick up food packages for homebound elderly individuals.

Contractors that opt to use a private delivery company to deliver food packages to participants must execute an agreement that will ensure all program requirements are met. The delivery service cannot commence until HSD/FANS approves the agreement between the contractor and the delivery company. The contractor must follow all applicable procurement regulations unless the private delivery company is

offering its services for free. The agreement with the private delivery company will not permit the delivery company to perform key contractor responsibilities such as certifying participants. The delivery company's employees are not considered proxies for participants. Packages must be delivered directly to participants or proxies. The contractor will ensure the delivery company maintains safe handling of food packages, verification of participant/proxy identity, proper record keeping, and protection of privacy of participants.

Specific procedures are being developed and will be added when approved.

ELIGIBILITY REQUIREMENTS

7CFR 247.9

AGE

Individuals must be at least 60 years of age.

United States Citizenship or Legal Residency Status **is not** a requirement to receive CSFP.

Proof of Age IS REQUIRED for applicants.

Proof of Age is NOT REQUIRED for household members unless they are applying to also receive CSFP.

We ask for the name, birthdates, and income of household members.

INCOME ELIGIBILITY

The State agency must use a household income limit at or below 130 percent of the Federal Poverty Income Guidelines.

Each year, FNS notifies State agencies, by memorandum, of adjusted income guidelines. The memorandum reflects the annual adjustments to the Federal Poverty Income Guidelines issued by the Department of Health and Human Services.

The State agency must implement the adjusted guidelines for senior applicants immediately upon receipt of the memorandum.

New Mexico uses Self-Declaration of Income to qualify for CSFP.

Proof of Income is not asked. IT IS NOT REQUIRED.

Income Definition and Consideration:

Gross Income before deductions. Income is gross cash income before any deductions including those for: Income Taxes, Employee's Social Security Taxes, Insurance Premiums, Retirement, Any other Deductions, such as Bonds or Garnishments.

RESIDENCY REQUIREMENT

Recipients must be New Mexico residents. A minimum length of stay is not required to prove residency. Contractors work with local agencies to determine their area of service based on zip codes and geographic boundaries.

**New Mexico uses Self-declaration of Residency to qualify for CSFP.
Proof of Residency is not asked. IT IS NOT REQUIRED.**

Providing a New Mexico physical or mailing address is required.

Eligible recipients seeking food assistance at CSFP sites not within their determined service area, during posted distribution times, may be provided food assistance one time. The recipient is certified for one month.

If the determined service area lies within the jurisdiction of only one contractor, the contractor may determine which site the eligible recipient may access.

Recipients receive one CSFP package in a 30-day period or two CSFP packages every two months.

If the determined service area is outside the jurisdiction of the contractor or ICOS is showing the recipient is with a different contractor and the recipients zip code is current in ICOS, the recipient should be referred to contractor that serves their zip code. If it easier for the recipient to receive at a site that currently doesn't serve that zip code both contractors must agree to have the recipient transferred. If they cannot agree, FANS should be contacted immediately for a determination. FANS will need to be notified that the recipient has been transferred in ICOS or if a zip code needs to be added so the recipient can be moved. FANS will contact HSD IT to add the recipients zip code with a dash, ex. 87015-.

Boarders or residents of an institution do not meet the definition for household. They are not eligible for CSFP.

Homeless persons may be eligible for CSFP.

RECIPIENT CONFIDENTIALITY

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

Here is a list of Best Practices to Ensure Recipient Confidentiality:

- 1) Files must be secure from unauthorized entry or disclosure.
- 2) Recipient files must not be left unattended during distribution.
- 3) Recipient files may be transported to locations as required.
- 4) When transported the files should be under the control of an authorized designee of the contractor.

VOLUNTEER CONFIDENTIALITY

A volunteer providing services associated with the CSFP 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). A Confidentiality and Disclosure Acknowledgement Form **or a similar form** must be completed by volunteers and maintained by the Contractor.

DURING TIMES OF DISASTER AND PANDEMIC

1. Applications may be completed and signed by CSFP agency staff and volunteers by phone or in the presence of the applicant, caretaker, or proxy.
2. Agency staff and volunteers completing applications must read the USDA Civil Rights statement and the required CSFP statement for completing applications to the applicant, caretaker, or proxy.
3. The local agency must subsequently get the client's signature for applications once the disaster or pandemic has ended and it safe for applicants, agency staff and volunteers.
4. Agency staff may serve as proxies for applicants and recipients without a separate proxy.
5. Agency staff or volunteers may sign for receipt of USDA CSFP food packages in the presence of the recipient, caretaker, or proxy. Signatures for receipt of USDA CSFP Food packages is accomplished by signing Rosters or Menus generated by ICOS (New Mexico's Integrated CSFP Operating System).
6. This program will continue to be self – declared income and residency.
7. Routine procedures will resume once the disaster or pandemic has ended.

All certification data will be recorded on a CSFP application/certification form. Information on the form includes the applicant's name, address, phone number, name of a proxy authorized to receive food on the participant's behalf, the date of the visit to apply for program participation, date of birth, household income, applicant's rights and responsibilities as described at 7 CFR 247.12, the current non-discrimination statement, applicant's signature, the date of certification or denial, and the signature and title of the person making the eligibility determination.

INITIAL APPLICATION ELIGIBILITY, INELIGIBILITY & WAITLIST

ELIGIBLE

An eligible recipient receives CSFP once per month or 2 CSFP packages every other month. An eligible recipient may receive CSFP during the last week of the month and as early as the first day of the following month. This practice should be an exception.

Notification for eligible recipients in New Mexico is normally received by the recipients in the form of a program card. A Certification Notice – Eligible may be used.

The information that must be included on the card is:

The time, location, and means of food distribution, and the length of the certification period (7 CFR 247.15)

The items to include on the Program Card are:

- 1) The normal time, day or date and location of the distribution.
- 2) The name and contact information for the warehouse responsible for their distribution site
- 3) The date of the recipients next certification.
- 4) Civil Rights Statement:
 - a. This institution is an equal opportunity provider.

b. Esta institución es un proveedor que ofrece igualdad de oportunidades.

It is important to add this statement on the card unless you are mailing or giving the eligible notices that have the full Civil Rights Statement on it.

WAITLIST 7 CFR 247.11 & POLICY MEMORANDUM FD-099

PLEASE SEE FD – 099 Questions & Answers About Waiting Lists, Caseload Management at:
<https://www.fns.usda.gov/questions-and-answers-about-waiting-lists-and-caseload-management-revised>

ICOS is programmed to accommodate the requirements for a waitlist.

RE-CERTIFICATION 7 CFR 247.16

New Mexico's Certification Period is 3 years. Annually the contractor will:

- (1) Verify the address and continued interest of the participant; and
- (2) Have sufficient reason to determine that the participant still meets the income eligibility standards, which may include a determination that the participant has a fixed income.

At re-certification, the applicant, or their proxy MUST:

- ◆ Provide Identification. If a proxy is re-certifying they must provide identification for themselves and for the Recipient
- ◆ Self-Declare the Income for the Recipient
- ◆ Self-Declare that the Recipient is a New Mexico Resident
- ◆ Ensure a current Proxy Authorization is in effect

The local agency must notify program participants in writing at least 15 days before the expiration date that eligibility for the program is about to expire. The local agency must include a statement in the written notification that informs the applicant that program standards are applied without discrimination by race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

DISCONTINUANCE OR DISQUALIFICATION NOTIFICATION
7 CFR 247.17 & 7 CFR 247.20

Per 7 CFR 247, there are certain requirements for notifying a participant when they are being discontinued or disqualified from the program or ineligible for CSFP.

Discontinuance, Disqualification, and Ineligibility are three (3) different actions.

The policies for Discontinuance are found in 7 CFR 247.17.

The policies for Disqualification are found in 7 CFR 247.20.

The policies for Ineligibility are found in 7 CFR 247.15.

Notification policies for Eligibility and Ineligibility of an applicant are found in 7 CFR 247.15

PROGRAM VIOLATIONS 7 CFR 247.20

HSD-FANS makes the determination of a Program Violation. Local agencies report suspected violations to HSD-FANS-CSFP.

(a) *What are program violations in CSFP?* Program violations are actions taken by CSFP applicants or participants, or caretakers of applicants or participants, to obtain or use CSFP benefits improperly. Program violations include the following actions:

- (1) Intentionally making false or misleading statements, orally or in writing.
- (2) Intentionally withholding information pertaining to eligibility in CSFP.
- (3) Selling commodities obtained in the program or exchanging them for non-food items.
- (4) Physical abuse, or threat of physical abuse, of program staff; or
- (5) Committing dual participation.

PROXY

POLICY MEMORANDUM FD – 099 Questions and Answers about Waiting Lists and Caseload Management (Revised) <https://www.fns.usda.gov/csfp/questions-and-answers-about-waiting-lists-and-caseload-management-revised>

New Mexico allows for the use of proxies.

NO-SHOW POLICY FD-099 QUESTIONS & ANSWERS ABOUT WAITING LISTS... AND FD-079 RETROACTIVE FOOD PACKAGES

POLICY MEMORANDUM FD – 099 Questions and Answers about Waiting Lists and Caseload Management (Revised) <https://www.fns.usda.gov/csfp/questions-and-answers-about-waiting-lists-and-caseload-management-revised>

POLICY MEMORANDUM FD – 079 Retroactive Food Package Distributions (Revised) <https://www.fns.usda.gov/csfp/retroactive-food-package-distributions-not-permitted-revised>

NM HSD/FANS Bureau has established a “No-Show” policy. The maximum allowable period that persons may fail to pick up food packages and remain enrolled in the program may not exceed 90 days for single issuance or 120 days for advance issuance.

- A recipient may pick up at the warehouse any time during the distribution period that the contractor is open.
- Participants who are required to be in the hospital for extended stays retain their participant status.
- They must be issued food in the month within their certification period for which they had at least one day at home.
- Retroactive food boxes are not allowed.
- If a participant has an extended hospital stay that covers every day of the month, they should not receive a food package for that month.

PARTICIPATION IN OTHER USDA FOOD PROGRAMS

Persons who participate in CSFP can apply for ***and if they are eligible*** receive benefits from SNAP (Supplemental Nutrition Assistance Program) or FDPIR (Food Distribution Program on Indian Reservations), TEFAP (The Emergency Food Assistance Program), WIC (Special Supplemental Nutrition Program for Women, Infants and Children), CACFP (Child and Adult Care Food Program) or NSLP (National School Lunch Program).

The New Mexico Human Services Department website has information and links to SNAP, TEFAP, and Medical Assistance programs and resources:

<http://www.hsd.state.nm.us/LookingForAssistance/Default.aspx>

[FNS Nutrition Programs | Food and Nutrition Service \(usda.gov\)](#)

SECTION 5 FAIR HEARINGS, RIGHTS & RESPONSIBILITIES

7 CFR 247.33 & 7 CFR 247.12

Individuals have a right to a fair hearing and may appeal any decision made by the local agency regarding denial or discontinuance of program benefits, disqualification from the program or a claim to repay the value of CSFP USDA Foods received because of fraud.

Program applicants, participants or their proxy must be informed of the right to a fair hearing when they are denied, discontinued, disqualified, or required to repay a claim.

FAIR HEARINGS & APPEALS and RIGHTS & RESPONSIBILITIES **must be** at all distributions. These may be posted or available as handouts. RIGHTS & RESPONSIBILITIES may be read to applicants.

An individual, or their proxy, may request a fair hearing by making a clear expression, verbal or written, to a State or local agency official, that an appeal of the adverse action or discontinuance is desired.

The request for the appeal must be made within 60 days from the date the agency mails or gives the individual, or their proxy the Notice of Disqualification, Discontinuance, or Ineligibility.

The State or local agency may deny a request for a fair hearing when:

- The request is not received within 60 days
- The request is withdrawn in writing by the individual requesting the hearing or by an authorized representative of the individual or
- The individual fails to appear, without good cause, for the scheduled hearing

Participants who appeal the ***DISCONTINUANCE OF PROGRAM BENEFITS*** within the fifteen (15) day Advance Notification Period required under 7 CFR 247.17 and 7 CFR 247.20 must be permitted to continue to receive benefits until a decision on the appeal is made by the hearing official, or until the end of the participant's certification period, whichever occurs first.

If the hearing decision finds that a participant received program benefits fraudulently, the local agency must include the value of benefits received during the time that the hearing was pending, as well as for any previous period, in its initiation and pursuit of a claim against the participant.

The State or local agency must provide an individual with at least 10 days' advance written notice of the time and place of the hearing and must include the rules of the procedure for the hearing.

The individual may:

- Examine documents supporting the State or local agency's decision before and during the hearing
- Be assisted or represented by an attorney or other persons
- Bring witnesses
- Present arguments
- Question or refute testimony or evidence, including an opportunity to confront and cross-examine others at the hearing
- Submit evidence to help establish facts and circumstances

The Human Services Department Fair Hearings Bureau appoints the hearing officer. The hearing official is responsible for:

- Administering oaths or affirmations, as required by the State
- Ensuring that all relevant issues are considered
- Ensuring that all evidence necessary for a decision to be made is presented at the hearing, and included in the record of the hearing
- Ensuring that the hearing is conducted in an orderly manner, in accordance with due process
- Making a hearing decision

The hearing decision must be made, and the individual notified of the decision, in writing, within 45 days of the request for the hearing.

If the decision is in favor of an applicant who was denied CSFP benefits, the receipt of the benefits must begin within 45 days from the date that the hearing was requested if the applicant is still eligible for the program.

If the hearing decision is against the participant, the State or local agency must discontinue benefits as soon as possible, or at a date determined the hearing official.

A hearing report shall be available for the public inspection and copying but shall assure confidentiality.

SECTION 6 NUTRITION EDUCATION and OUTREACH

7 CFR 247.18 & 7 CFR 247.14

NUTRITION EDUCATION

7 CFR 247.18

Contractors are required to provide a quarterly or monthly Nutrition Education report. As an alternate you may provide an annual plan that covers the months of October – September.

Local Agencies are responsible for providing nutrition education materials to all adult participants. At a minimum, LAs are required to provide monthly education and it is reported in their monthly or quarterly reports to the state. In the NM SNAP Ed state plan, the Healthy Families Healthy Community project will provide nutrition education services to increase healthy eating habits to low-income adults and families receiving food from TEFAP, CSFP or food pantries. Educators will provide services through a series of system and environmental changes, tastings and 10-15- minute cooking lessons at TEFAP and CSFP sites, public health offices and senior centers with congregate meal programs.

The nutrition education provided should include the following information. It should account for specific ethnic and cultural characteristics whenever possible:

- 1) The nutritional value of CSFP foods, and their relationship to the overall dietary needs of the population groups served.
- 2) Nutritious ways to use CSFP foods.
- 3) Special nutritional needs of participants and how those needs may be met.
- 4) The importance of health care and the role nutrition plays in maintaining good health; **And**
- 5) The importance of the use of the foods by the participant to whom they are distributed, and not by another person.

Contractors and their distribution sites should work with ICAN educators where they are available. Use the ICAN website: <https://ican.nmsu.edu/ican-county-teams.html> for contact information. For sites not receiving a nutrition education demonstration a USDA Food Fact Sheet or Nutrition Education Handout should be provided with each food package. It is acceptable to provide handouts at the distribution for recipients to decide if they would like to take one.

CSFP foods may be used in cooking demonstrations by the local agency or SNAP-ED educators as part of the nutrition education provided to program participants per 7 CFR 247.18 (d).

The USDA CSFP Sharing Gallery Website: <https://www.fns.usda.gov/csfp/csfp-sharing-gallery> should be used by agencies to provide more nutrition and food information to CSFP participants.

NUTRITION EDUCATION EVALUATION REQUIREMENTS

7 CFR 247.18

ICAN Surveys and evaluation monitoring are an approved evaluation tool. Contractors will work with ICAN to gather the required information.

Site personnel shall explain to each participant receiving a survey that the information the participant provides is strictly confidential. The information is used to improve the quality and effectiveness of the nutrition education efforts.

If a participant refuses a survey, is unable to complete the survey or has difficulty reading the survey, site personnel should offer to help participants with completing the forms.

Distribution site staff should offer to read the questions or help with completing the forms.

USDA Foods – Household Product Information Sheets and Recipes:

<https://www.fns.usda.gov/usda-foods/household-product-information-sheets-and-recipes>

<https://www.fns.usda.gov/csfp/sharing-gallery-recipes-cookbooks>

The Following USDA Foods Available List is available at: <https://www.fns.usda.gov/csfp/csfp-foods-available>

OUTREACH 7 CFR 247.5 (A)(7)

HSD and Contractors share the responsibility for conducting outreach. FANS Bureau participates in several outreach events throughout the year. Contractors are encouraged to participate in events in their service area. Outreach expenses are allowable costs for reimbursement.

OTHER PUBLIC ASSISTANCE PROGRAMS 7 CFR 247.14 (A) (1-3)

(b) *What information on other public assistance programs must the local agency provide to elderly applicants?* The local agency must provide elderly applicants with written information on the following programs, and make referrals, as appropriate:

(1) Supplemental security income benefits provided under Title XVI of the Social Security Act (42 U.S.C. 1381 *et seq.*);

(2) Medical assistance provided under Title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*), including medical assistance provided to a qualified Medicare beneficiary (42 U.S.C. 1395(p) and 1396d (5)); and

(3) The Food Stamp Program (7 U.S.C. 2011 *et seq.*). This program is called SNAP, the Supplemental Nutrition Assistance Program.

Recipients must receive a copy of the CSFP SERVICES REFERRAL FORM.

SECTION 7 STORAGE AND HANDLING 7 CFR 247.28 & 7 CFR 250.12

FANS or its designee must use a cost-effective distribution system for Direct and Multi Food shipments from USDA to the Contractors. Currently the FANS Bureau is responsible for all CSFP food ordering. The Contractors are responsible for monitoring their current inventory and their expected inventory using monthly physical inventory counts, ICOS and WBSCM.

§247.28 STORAGE AND INVENTORY OF COMMODITIES.

State and local agencies must provide for storage of commodities that protects them from theft, spoilage, damage or destruction, or other loss. State and local agencies may contract with commercial facilities to store and distribute commodities. The required standards for warehousing and distribution systems, and for contracts with storage facilities, are included under §250.14.

A physical inventory of all USDA commodities must be conducted annually at each storage and distribution site where these commodities are stored. Results of the physical inventory must be reconciled with inventory records and maintained on file by the State or local agency.

STORAGE AND INVENTORY MANAGEMENT AT THE DISTRIBUTING AGENCY LEVEL

7 CFR 250.12

The distributing agency or sub-distributing agency must provide facilities for the storage and control of donated foods that protect against theft, spoilage, damage, or other loss. Accordingly, such storage facilities must maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The distributing agency must ensure that storage facilities comply with all Federal, State, or local requirements relative to food safety and health and procedures for responding to a food recall, as applicable, and obtain all required health inspections.

The distributing agency must ensure that donated foods at all storage facilities used by the distributing agency (or by a sub-distributing agency) are stored in a manner that permits them to be distinguished from other foods and must ensure that a separate inventory record of donated foods is maintained. The distributing agency's system of inventory management must ensure that donated foods are distributed in a timely manner and in optimal condition. On an annual basis, the distributing agency must conduct a physical review of donated food inventories at all storage facilities used by the distributing agency (or by a sub-distributing agency) and must reconcile physical and book inventories of donated foods. The distributing agency must report donated food losses to FNS and ensure that restitution is made for such losses.

The distributing agency is subject to the following limitations in the amount of donated food inventories on-hand, unless FNS approval is obtained to maintain larger inventories:

Inventories of each category of donated food in the food package may not exceed an amount needed for a three-month period, based on an average amount of donated food that the distributing agency can reasonably utilize in that period to meet CSFP caseload or FDPIR average participation.

The distributing agency must obtain insurance to protect the value of donated foods at its storage facilities. The amount of such insurance must be at least equal to the average monthly value of donated

food inventories at such facilities in the previous fiscal year. The distributing agency must also ensure that the following entities obtain insurance to protect the value of their donated food inventories, in the same amount required of the distributing agency in this paragraph (d):

(1) Sub distributing agencies.

(2) Recipient agencies in household programs that have an agreement with the distributing agency or sub distributing agency to store and distribute foods (except those recipient agencies which maintain inventories with a value of donated foods that do not exceed a defined threshold, as determined in FNS policy); and

(3) Commercial storage facilities under contract with the distributing agency or with an agency identified in [paragraph \(d\)\(1\)](#) or [\(2\)](#) of this section.

SAFE STORAGE AND CONTROL

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. Electronic logs may be used.

Tailgate Temperature logs for the refrigerated Cheese must be maintained. Electronic logs may be used.

The Temperature Log is an important document to support the ongoing maintenance of proper storage conditions. The log should document the date, time, the registered temperature and the signature or initials of the person checking the temperatures.

General Storage and Maintenance Guidelines include but are not limited to the following:

- ◆ **CSFP USDA Cheese must be refrigerated and maintained at temperatures of 35 – 40 degrees Fahrenheit**
- ◆ 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.
 - Maintain a Cleaning Log.

- ◆ 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.
 - Maintain a Pest Control log
- ◆ First, In, First Out (FIFO) for Inventory Control is the standard Best Practice and should be followed.
 - Items received must be marked with the date of receipt at the warehouse.
 - USDA Foods should be stored in their original cases until distribution for identification purposes in the event of a hold or recall.

Please refer to the following for guidance: **FD-107 Donated Food Storage, Distribution and Product Dating**; <https://www.fns.usda.gov/usda-foods/storage-and-inventory-management-usda-donated-foods>

Additional Food Safety Food Product Dating Information from USDA can be found at:
<https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/food-product-dating/food-product-dating>

SECTION 8 USDA FOODS HOLD, RECALLS, LOSS & COMPLAINTS

HOLD & RECALL OF USDA FOODS

7CFR 250.15

USDA guidance on Hold and Recall Procedures of USDA Foods are available at

<https://www.fns.usda.gov/ofs/usda-food-recall-resources>

Contractors must have a hard and electronic copy in the warehouse of **Responding to a Food Recall, Procedures for Recalls of USDA Foods**.

SECTION 9 CLAIMS ACTION 7 CFR 247.30 & 7CFR 250.16

FANS shall begin claim action immediately upon receipt of information concerning the improper distribution, loss of or damage to USDA Foods.

A claim determination must be made within thirty days of the receipt of information, as described in FNS Instruction 410-1, Non-Audit Claims-Food Distribution.

For Claims use the Commodity Hold/Loss Information Form.

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 Bureau determines that a claim exists against a CSFP Contractor, warehouseman, carrier or any other entity and the value of the lost USDA Foods **exceeds \$2500**, 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 CSFP Contractor, warehouseman, carrier or any other entity and the value of the lost USDA Foods **does not exceed \$2500**, 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 **\$500.00 retail value or 6 months of CSFP benefits**. However, no such claim shall be disregarded where:

There is evidence of fraud or a violation of Federal, State, or local criminal law.

The state agency shall maintain records and substantiating 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.

STATE AGENCY REVIEWS

HSD ISD FANS Contractor Monitoring Form is the form the state uses to review the contractors. A Training Log is included in the monitoring form and is for the contractor to use for verification of staff and volunteer trainings.

FANS will conduct at least one distribution site review as part of a Management Evaluation. This may be a review of the distribution that takes place at the warehouse, if applicable. FANS staff will use the CSFP Distribution Site Review Form.

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. Items that can be corrected during the review will be corrected at that time.

FANS will issue a report of review findings detailing recommended and or 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, conducted by FNS Regional Office personnel, may be incorporated into the minimum coverage required by USDA.

CONTRACTOR REVIEWS OF DISTRIBUTION SITES

Contractors must review their distribution sites at least once every two years. Reviews must be conducted, to the maximum extent feasible, simultaneously with actual distribution of USDA Foods and/or eligibility determinations. The Distribution Site Review Form should be used for conducting the reviews.

Each review must encompass, as applicable:

- a) Eligibility Determinations
- b) Food Ordering Procedures
- c) Storage and Warehousing Practices
- d) Inventory Controls
- e) Approval of Distribution Sites
- f) Reporting and Recordkeeping Requirements
- g) Civil Rights Compliance and Training

Contractors must maintain a copy of the review. Copies are kept for 3 years plus the current Federal Fiscal Year.

Contractors must ensure that corrective action is taken to eliminate the deficiencies identified. Items that can be corrected during the review will be corrected at that time.

REPORTS AND RECORDKEEPING

7 CFR 247.29

State and local agencies must maintain accurate and complete record relating to the receipt, disposal and inventory of commodities, the receipt and disbursement of administrative and other funds, eligibility determinations, fair hearings, and other program activities.

State and local agencies must also maintain records pertaining to liability for any improper distribution of, loss of or damage to commodities and the results obtained from the pursuit of claims arising in favor of the State or local agency.

All records must be retained for a period of three years, from the end of the 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 be available during normal business hours for use in management reviews, site reviews, audits, investigations, or reports of the General Accounting Office.

The records are subject to review and audit by FANS and/or USDA during normal business hours. FANS Bureau is required to submit the FNS-425, FNS-153 and FNS-191 to FNS via the Food Programs Reporting System (FPRS):

FNS-153, Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report.

The report must be received in the FANS office by the 10th of the month following the month to which the reports pertain.

The State agency must submit the FNS-153 monthly.

On the FNS-153 the State agency reports:

- a) The number of senior program participants.
- b) The receipt and distribution of commodities, and beginning and ending inventories, as well as other data
- c) On a quarterly basis, the cumulative amount of administrative funds expended and obligated and the remaining unobligated amount.

FNS – 191, Racial/Ethnic Group Participation.

Contractors must submit a report of racial/ethnic participation each year.

- a) The report is specific for the month of April
- b) The report is specific to the persons served for the month of April
- c) The FNS 191 is due to FANS no later than May 31.

- d) The FNS 191 is available in ICOS and may be submitted electronically. The local agency must retain the original.

FNS may require State and local agencies to provide data collected in the program to aid in the evaluation of the effect of program benefits on the low-income populations served. Any such requests for data will not include identification of individuals.

Requests for Reimbursement are due no later than the 10th of the following month. They may be submitted electronically. They must be signed. Requests for extensions or an alternative date are made by contacting the CSFP Manager or FANS designee.

Participation by Site and Food Packages is available in ICOS.

Physical Inventory Count Reports must be submitted monthly. These are the actual inventory counts conducted by staff and volunteers.

Reports may be submitted to the CSFP Manager by email. The reports must be received by the CSFP manager or FANS office by the 10th of the month following the month to which the reports pertain. 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.

Approval of the Plan is a prerequisite to the assignment of caseload and allocation of administrative funds but does not ensure that caseload and funds will be provided.

The State agency must submit amendments to FNS to reflect any changes in program operations or administration described in the State Plan, and to request additional caseload for the following caseload cycle. FNS may require that the State plan be amended to reflect changes in Federal law or policy. The State agency may submit amendments to the State Plan at any time during the fiscal year, for FNS approval. The amendments will take effect immediately upon approval, unless otherwise specified by FNS. If a state agency would like to receive additional caseload for the caseload cycle beginning the following January 1, it must submit an amendment to the Plan which conveys the request for additional caseload by November 5. The State agency must also describe in this submission any plans for serving participants at new sites. FNS action on the State agency's request for additional caseload is part of the caseload assignment process, as described under 7 CFR 247.21.

The CSFP State Plan must contain:

- 1) A description of how the State agency will operate CSFP and the caseload needed to serve eligible applicants.
- 2) The names and addresses of all local agencies and sub-distributing agencies with which the State agency has entered into an agreement
- 3) The income eligibility standards to be used and the options to be used relating to income or other eligibility requirements, as provided under 7CFR 247.9
- 4) The nutritional risk criteria to be used if the State chooses to establish such criteria. Currently New Mexico does not use nutritional risk criteria.
- 5) A description of plans for serving participants and the caseload needed to serve them
- 6) A description to plans for conducting outreach to seniors
- 7) A description of the system for storing and distributing commodities
- 8) A description of plans for providing nutrition education to participants
- 9) A description of how the state agency will detect and prevent dual participation.
- 10) A description of the standards the State agency will use in determining if the pursuit of a claim against a participant is cost effective
- 11) A description of how the State will meet the needs of the homebound seniors and
- 12) Copies of all agreements entered into by the State agency

DEFINITIONS

PURPOSE & POLICY: To provide standard definitions for terms used in the administration of the New Mexico Commodity Supplemental Food Program.

Applicant

Any person who applies to receive program benefits. Applicants include program participants applying for recertification.

Administrative Services Division

The Administrative Services Division (ASD) provides the New Mexico Human Services Department (HSD) with support services, financial control, and reporting activities.

Caseload

The number of persons the State agency may serve on an average monthly basis over the course of the caseload cycle.

Caseload Cycle

The period from January 1 through the following December 31.

Certification

The use of procedures to determine an applicant's eligibility for the program.

Certification Period

The period of time that a participant may continue to receive program benefits without a review of his or her eligibility.

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 CSFP recipients a choice in determining the content of the food package received. The agency should allow a choice of products within the same category. Items from different categories may not be substituted.

Code of Federal Regulations (CFR)

The regulations governing federal programs. The regulations for CSFP are located at Titles 7CFR 247 and 7CFR 250 as applicable.

Commodities

Nutritious foods purchased by USDA to supplement the diets of CSFP recipients.

Complainant

A person or group of persons 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 persons or groups of persons because of their protected bases.

Department

The U.S. Department of Agriculture (USDA)

Disqualification

The act of ending program participation of a participant as a punitive sanction

Dual Participation

Participation by an individual in CSFP at more than one distribution site.

Elderly Person(s) – Referred to as Seniors

Persons at least 60 (sixty) years of age or older

Farm Service Agency - FSA

The Farm Service Agency implements agricultural policy, administers credit and loan programs, and manages conservation, commodity, disaster, and farm marketing programs through a national network of offices.

Federal Fiscal Year (FFY)

The twelve-month period, from October 1 - September 30, used by the federal government for accounting and reporting purposes.

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.

Food and Nutrition Service (FNS)

The USDA agency responsible for the nationwide administration of several federal nutrition programs including CSFP. The regional office for our region is in Dallas, TX.

Food and Nutrition Services Bureau (FANS)

The Bureau within New Mexico’s Human Services Department, Income Support Division responsible for administering CSFP through a permanent agreement with USDA. The terms State Distributing Agency (SDA) or State Agency (SA) are also used.

Homebound Seniors

Persons who are unable to obtain monthly food packages without the assistance provided by or through the local agency. Homebound eligibility is determined by the local agency. A determination of Homebound eligibility does not guarantee an eligible recipient will receive Homebound services for CSFP.

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

Means any of the following individuals or groups of individuals, exclusive of boarders or residents of an institution:

An individual living alone;

An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

A group of individuals living together who customarily purchase and prepare meals in common for home consumption; and

Other individuals or groups of individuals, as provided in FNS regulations, specific to particular food assistance programs.

Household Programs

Means CSFP (Commodity Supplemental Food Program), FDPIR (Food Distribution Program on Indian Reservations) and TEFAP (The Emergency Food Assistance Program)

HSD – New Mexico Human Services Department

Integrated CSFP Operating System (ICOS)

The computer program used by Contractors and the State Agency to track inventory, participation, and distribution information

Income Support Division (ISD)

Income Support Division is a division of the New Mexico Human Services Department.

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.

Local Agency or Contractor

A public or private nonprofit agency, which enters into an agreement with the State agency to administer CSFP at the local level.

New Mexico Department of Health (DOH or NM DOH)

New Mexico Human Services Department (HSD or NM HSD)

No-Show Participants

Enrolled persons who fail to pick up their food during a given month. Participants must be a no-show for a period of 90 consecutive days, before being disenrolled.

Nonprofit Agency

A private agency or organization with tax-exempt status under the Internal Revenue Code, or that has applied for tax-exempt status with the Internal Revenue Service.

Proxy

Any person designated by a participant to obtain supplemental food on behalf of the participant.

Recipient(s)

A person that has been determined eligible for CSFP.

Regional Service Area

A specified area of the state identified as no smaller than a recognized state county.

State Fiscal Year (SFY)

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

Southwest Regional Office (SWRO)

USDA/FNS Southwest (SW) Region, located in Dallas, Texas, responsible for USDA programs in the states of New Mexico, Arizona, Arkansas, Louisiana, Oklahoma, Texas, and Utah.

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§247.4 (a) 2.

Sub-Distributing Agency

An agency or organization that has entered into an agreement with the State agency to perform functions normally performed by the State, such as entering into agreements with eligible recipient agencies under which commodities are made available, ordering commodities and/or arranging for the storage and delivery of such commodities on behalf of eligible recipient agencies.

United States Department of Agriculture (USDA)

The 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

Food donated by USDA for distribution through CSFP (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 the nutrition assistance programs.

WIC Program

The Special Supplemental Nutrition Program for Women, Infants and Children

ACRONYMS

The following acronyms are used throughout this manual.

CSFP:	Commodity Supplemental Food Program.
FANS:	New Mexico Human Services Department, Food and Nutrition Services Bureau
FDPIR	Food Distribution Program on Indian Reservations
FNS:	Food and Nutrition Service of the United States Department of Agriculture
FFY:	Federal Fiscal Year
ICOS:	Integrated CSFP Operating System
LA:	Local Agency, or provider
NM DOH:	New Mexico Department of Health
NM HSD:	New Mexico Human Services Department
PID:	Personal Identification Number – ICOS Case Number
SWRO:	USDA Southwest Region Office
SA:	State Agency
SFY:	State Fiscal Year
SOW:	Scope of Work
SFMNP:	Senior Farmers’ Market Nutrition Program
SNAP:	Supplemental Nutrition Assistance Program
USDA:	United States Department of Agriculture
WIC:	Women, Infants and Children Program