Subject: “Summer Food Service Program (SFSP) Management Evaluation (ME) Forms for Fiscal Year (FY) 2009

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri DH, Missouri DESE, Montana OPI, Nebraska, North Dakota, South Dakota, Utah and Wyoming

( Special Nutrition Programs)

Attached is the ME form that will be used for the FY 2009 State Agency (SA) MEs. In addition, the SFSP ME Guidance for 2009 that was developed in our National Office is attached.

We will be conducting MEs in Kansas, Missouri, and South Dakota this year. The ME teams will consist of Field Office staff as ME lead and Regional Office as team members.

If you have questions regarding the FY 2009 MEs, please call Tandy Jones at (303) 844-5091.

DARLENE SANchez
Regional Director
Special Nutrition Programs

Attachments
INTRODUCTION

The Management Evaluation (ME) process is the principal management tool used to determine the effectiveness of State agency (SA) program performance. A primary function of this process is to provide timely technical assistance to improve SA program operations. This Guidance has been developed for regional office (RO) use in assessing the SA’s administration and management of the 2009 Summer Food Service Program (SFSP).

Information acquired through these reviews is useful in identifying common problem areas, and planning administrative objectives, which may influence legislative and regulatory changes. Based on the outcome of the evaluation, recommendations to correct findings are made, as needed. Timely corrective action is essential given the short term of the SFSP operation. Since the overall goal of the ME is to improve program management, suggestions to enhance program operations are also considered an integral element of the ME process.

OVERVIEW

Scope of Review. The Guidance targets areas of program vulnerability and provides direction to ensure that critical areas of program management are reviewed. The ME process continues, however, to allow each RO to design its SA review based on knowledge of individual program operations including an assessment of the SA’s actions in implementing the objectives identified in the Management and Administration Plan (MAP).

Designed to offer direction in conducting MEs, the Guidance suggests a review for compliance in many areas including:

- Program eligibility;
- Food service management companies;
- Meal service;
- Commodity foods;
- Civil rights; and
- Financial management.

Through the use of this Guidance, a comprehensive assessment of the areas targeted can be accomplished. Additionally, a review of corrective actions implemented to ensure resolution for any previously identified problem in any prior audit, review, or ME should be addressed as part of the evaluation. Sponsor and site visits should be utilized by the RO to assess the SA’s monitoring and technical assistance efforts.
**Reporting.** As part of the ME process, information describing program characteristics and SA administration should be collected and reported. Copies of each ME and all copies of correspondence (RO and SA) pertaining to corrective action should be submitted to the Child Nutrition Division (CND) by October 31, 2008.

**I. RESOURCE AVAILABILITY**

Describe the staffing personnel. Is it adequate to handle Program responsibilities? Are the personnel qualified and are resources available to provide consultative, technical, and managerial assistance to sponsors as required by 225.6(a)? Do job descriptions accurately reflect the assignment of program responsibilities? Determine if and how SA resources ensure effective monitoring and management of the program.

**II. PROGRAM OPERATIONS**

**A. Outreach Efforts**

This section focuses on the outreach efforts that are planned or have been conducted for the summer of 2009, in response to the Department’s initiative to expand the availability of the SFSP. Did the SA establish strategies to expand the SFSP? Did the SA implement the strategies and what was the rate of success? Is there a need for the SA to develop and implement different strategies for expanding the SFSP?

**B. Public Notification**

Describe the efforts of the SA to announce the purpose, eligibility criteria, and availability of the program throughout the State by February 1 as required by 225.6(a)(2). What were the SA’s goals for expanding the SFSP in Fiscal Year 2009? What outreach strategies did the SA use? How effective were they?

**C. Eligibility and Approval for Sponsors and Sites**

Did the SA conduct pre-approval visits of sponsors and sites as specified in 225.7(d)(1)? Is the SA adhering to conditions affecting approval and participation of private nonprofit organizations as stipulated in 225.6(b)(6)(ii)? Does the SA require each sponsor as required in 225.6(a)(3) to certify as true and correct its application, site information sheets, program agreement and claims for reimbursement? Did the SA implement the Exceptions to Approving Sponsors Prior to Program Operations (Update), Policy Memo SFSP 01-2007 issued January 19, 2007 for any sponsors? If yes, how many and what were the
circumstances for granting such approvals? Has the SA extended permanent agreements to sponsors that only operate the SFSP in accordance with Policy Memo SFSP 03-2007, issued February 23, 2007? Are migrant sites considered area eligible sites under the category of open, or restricted open, sites as defined in 225.2 in accordance with Policy Memo SFSP 04-2007, issued February 23, 2007? Are SFSP sponsors of sites determined to be area eligible based on school data required to re-determine site eligibility every 5 years in accordance with Policy Memo SFSP-05-2007 issued on April 20, 2007? Is the SA in compliance with all other requirements for sponsor applications, agreements, and site approvals required in 225.6?

D. Local Agency Procurement

**General Requirements.** How does the SA ensure that sponsors comply with the bid procedures as specified in 225.15(h)(4)? Does the SA ensure that sponsors that contract with a food service management company comply with the competitive sealed bid procedures set forth in 225.15(h)(4)(i)-(xii)? Does the SA provide guidance to local agencies on State/Federal procurement requirements including 7 CFR Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 7 CFR Part 3019, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations? If so, review guidance materials provided and determine if it is appropriate and adequate. Does the SA permit agreements between SFSP sponsors and food service management companies in a manner consistent with the National School Lunch Program (NSLP), in accordance with SFSP 09-2007, issued on July 27, 2007?

How does the SA provide technical assistance to sponsors requesting assistance in developing specifications, developing and/or reviewing invitations for bids/requests for proposals, evaluating bids/proposals, and writing contracts? Does the SA review procurement action when it conducts reviews at the local level? If so, what does the SA do when or if the review identifies specific deficiencies? Does such review ensure that contracts contain applicable certifications, i.e., Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions; Certification Regarding Lobbying; Disclosure of Lobbying Activities? How does the SA implement the prohibitions against geographical preference and other anti-competitive practices?
**Food Service Management Companies (FSMC)**

Do the prototype and any other approved contract forms contain the terms outlined under 225.6(h)(2)?

Provide explanations of how the SA prohibits subcontracting of sponsor management functions and ensures that sponsors of vended programs exercise full operational control over the program? Does the SA exercise the option of requiring sponsors contracting with FSMCs to establish special accounts for operating costs in accordance with 225.6(f)?

Review the SA’s system for ensuring compliance by sponsors with regard to FSMC contracting requirements under 225.15(h)(4) and 225.17. Do FSMC contracts with school food authorities specifically cite the SFSP? Has the SA complied with the provisions of 225.6(h)(4) and (6) in monitoring procurement bids? Do contracts over $100,000 contain a bid bond in accordance with 225.15(h) (5) and (7)? Describe how the SA provides appropriate guidance to the sponsor to ensure that applicable Federal, as well as State and local, procurement standards were followed.

**E. Meal Service**

Has the SA permitted sponsors, which serve meals prepared by schools participating in the school meal programs, to substitute the meal requirements of the NSLP and the SBP for the meal pattern of SFSP, as required in 225.16(f)(1)?

Review the SA’s method for determining “program adults” and “non-program adults” and the rules that apply to feeding the two types. Were all children fed first? Was the income from the sale of adult meals and/or non-program funds used to pay for adult meals reported as income to the program on the claim form to offset reported costs? Were meals served to children, program adults, and non-program adults counted and recorded separately on the daily meal count form? If applicable, was additional site staff hired to maintain program safety and integrity?

Do the SA’s procedures for authorizing sponsors to serve food in smaller quantities for children under six years of age conform to the requirements of 225.16(f)(2) and larger portions than the minimum quantities for children ages 12 to 18 years of age conform to the requirements of 225.16(d)?

Did the SA allow sponsors to implement the provision that fruit and vegetable food items may be taken off site? How did the SA determine whether or not to allow foods to be taken off site? What type of monitoring system did the SA use to ensure problems did not arise?
F. Commodity Foods

Review the SA’s system for ensuring that commodity assistance is made available to eligible sponsors. Is the SA in compliance with 225.9(b)(2) requiring that the Distributing Agency be notified no later than June 1 of sponsors eligible to receive commodities? Does the listing only include those sponsors specified in 225.9(b)(1)? Were the commodity entitlements based on the projected number of meals to be served by the sponsors?

Describe the system for ensuring that the distribution of commodities to SFSP sites was based on the number of eligible children’s meals served as required by 225.15(a)(2). Explain the SA’s mechanism to ensure that SFSP sponsors of summer camps that are eligible to receive commodities report the total meals served to children (needy and nonneedy)? How does the SA ensure the transfer of unused commodities from SFSP sponsors to other authorized outlets?

G. Program Payments

Describe the SA’s system for ensuring that sponsors are not paid for meals claimed outside the approved days of operation? Review and assess the SA’s efforts to ensure compliance with the provision restricting the percentage of second meals that may be claimed for reimbursement (225.15(b)(4)). Determine if the SA is following its established policy regarding the allowability of excess meals. Review the SA’s system to comply with the provisions of 225.15(a)(2) to prohibit the payment of claims for meals reimbursed under other federally funded programs. Has the SA implemented a single claim system for school food authorities that operate multiple CN programs?

Assess the SA’s efforts to ensure compliance with the requirement which prohibits sponsors from including the costs of nonreimbursable meals in its determination of operating costs. Sponsors may only be reimbursed for the costs of the following:

- The cost of adult meals specified in 225.9(d)(5);
- The cost of meals examined by State or local inspectors and/or auditors [225.9(e)]; and
- The cost of meals which does not exceed 102 percent of the number of children present for each meal service during the claiming period as specified in 225.15(b)(4). (This amount equals 100 percent of first meals for children plus a maximum of 2% allowed for second meals.)
The Consolidated Appropriations Act of 2008 extends the cost accounting procedures commonly known as the “Simplified” Summer Food Service Program to all sponsors in all States. Has the State implemented the simplified cost accounting procedures, in accordance with SFSP 01-2008, issued on January 2, 2008? What changes has the State made to its payment system to allow program payments to be made to eligible sponsors without a comparison of costs? Describe the SA’s efforts and accomplishments in maximizing participation in the Simplified Summer Food Program.

III. OVERSIGHT

A. Technical Assistance and Training

Has the SA implemented the training plan as described in the MAP? Was training provided to every sponsor, prior to it operating the program? Has the SA developed and made available necessary program materials in sufficient time to enable applicant sponsors to prepare adequately for the program as required by 225.7(b)?

How were new policies issued by FNS during the ME review period handled? Are there any recently approved State laws, policies, or pending legislation which might impact the SA’s administration of SFSP?

B. Monitoring/Corrective Action

Did the SA conduct a review of every new sponsor during the sponsor’s first year of operation? If not, explain. Did the SA review every sponsor, which experienced significant operational problems in the prior year? If not, explain. Describe the SA’s process for following up with sponsors to ensure corrective action is implemented as required in 225.7(d)(9) and 225.11(f)? Is it sufficient? If not, what are the deficiencies? Did the SA review each sponsor at least once in three years? If not, explain. Did the SA review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the state in the prior year? If not, explain. As part of each sponsor review, did the sponsor conduct reviews of at least 10 percent of each sponsor’s sites, or one site, whichever number is greater, and if not, explain? Did the SA review sponsors with large numbers of sites, or a site with a large number of children attending before reviewing sponsors with few sites or a site with fewer children? If the SA was unable to review sponsors or sites with large number of attending children, please explain. Regulatory citations for sponsor and site reviews are found at 225.7(d)(2).
Describe the method used by the SA to disseminate information and provide technical assistance to school districts about the Seamless Summer Option. Were SA SFSP staffs involved in the monitoring efforts of school districts participating in the Seamless Summer Option? If so, what were the results of the monitoring efforts?

C. Program Violations

Do the SA’s procedures for declaring sponsors seriously deficient conform to the requirements of 225.11(c)? Is the SA in compliance with 225.11(c), which addresses denial of applications and termination of sponsors? Has the SA complied with the provisions of 225.11(d) through (f) and 225.12(a) regarding meal service restrictions, meal disallowances, corrective action and termination of sites, and claim disallowances?

Are the SA’s procedures for resolving complaints alleging program violations effective and timely? Record the number of and nature of such complaints, and the actions taken by the SA.

D. Appeal Procedures

Is the SA in compliance with the appeal procedure requirements outlined in 225.13? Are appeal rights provided in writing to each applicant? As applicable, has the SA notified each sponsor of its right to appeal when it is advised of an adverse action? Review the SA’s records of appeals for the current fiscal year. Record the number filed, reasons, and outcomes of the appeals filed.

IV. WAIVERS

Review the SA’s overall process for developing waiver requests. Describe the results of this effort. Has the SA complied with application, public notification, and reporting requirements?

V. CIVIL RIGHTS COMPLIANCE

Does the SA include Civil Rights compliance as a provision of its agreements with sponsors? If not, why not?

Does the SA include Civil Rights compliance in its on-site reviews of sponsors? Have there been any findings in this area? If so, how were they resolved?

Has the SA received any Civil Rights complaints or other allegations of violations since the last ME visit? If so, how were they handled? Were they forwarded to FNS in a timely manner?
VI. FINANCIAL MANAGEMENT

In order to achieve the most effective use of RO resources and since the financial management requirements for all child nutrition programs are largely consistent, a Financial Management review conducted in conjunction with a coordinated ME or an SFSP ME should encompass all of the programs administered by the SA. The Coordinated ME Guidance for Fiscal Year 2009, for School Programs and Food Distribution Program, contains Part III. Financial Management component, which in most respects, is applicable to SFSP as well as the other child nutrition programs. In addition, certain aspects of this SFSP Guidance under section II. Program Operations, including B, Public Notification; D, Procurement; and G, Program Payments; may be more appropriately included in the scope of the Financial Management review. Therefore, ROs should, with the additions and exceptions noted below for the referenced sections, refer to the Coordinated ME Guidance for School Programs and Food Distribution Program when conducting a Financial Management review of the SFSP.

A. Grant and Cash Management

       This section does not apply.

   7. State Funding Requirement.  
       This section does not apply.

       This section does not apply.

E. State Agency Procurement

   This Part applies to State Administrative Funds.

F. Allowability and Allocability of Cost

   This Part applies to State Administrative Funds and the MAP.
I. Entrance Conference

A. Date of review and conference:

B. Name and title of staff members present:

C. Items discussed:

II. General Information

A. Name and address of State agency (SA):

B. Programs administered by the SA:

C. Names, titles and duties of Staff Members:

D. Statistics

1. Total Sponsors: _______________
   a. SFA: Public ______ Private nonprofit ______
   b. Residential Camp: Public ______ Private ______
   c. Entities of Government: Local _____ Municipal _____ County _____ ITO _____
   d. Colleges/Universities participating in NYSP: PNP ____ Public____ Academic Year _____
   e. Private nonprofit organizations ____

2. If breakdown does not equal total, explain.

3. Total Sites ______
   a. Rural _____ MSA ______
   b. Vended _____ Self- preparation _____
   c. Homeless ______
III. Resolution of Previously Identified Problems

Evaluate SA actions taken on problems previously identified in MEs, OIG Audits and other monitoring of SA operations.

IV. RESOURCE AVAILABILITY (Critical Area)

A. Describe the staffing personnel. (Evaluate adequacy of SA staffing identifying such problems as hiring freezes, shortage of funds, experience of staff, and state employment restrictions.)

B. Is it adequate to handle Program responsibilities? (Does the SA have the qualifications and resources to provide effective technical assistance, training and monitoring of sponsors?)

C. Are personnel qualified?

D. Are resources available to provide consultative, technical, and managerial assistance to sponsors as required by 225.6(a)? (Does SA hire or contract out for monitors for the SFSP? If so, describe the training given and indicate whether it was adequate. Does SA staff periodically monitor the review reports to ensure they are thorough and accurate?)

E. Do job descriptions accurately reflect the assignment of Program responsibilities?

F. Determine if and how SA resources ensure effective monitoring and management of the Program.
V. PROGRAM OPERATIONS (Critical Area)

A. Outreach Efforts (Critical Area)

1. This section focuses on the outreach efforts that are planned or have been conducted for the summer of 2009, in response to the Department’s initiative to expand the availability of the SFSP.

   a. Did the SA establish strategies to expand the SFSP?

      (Describe SA efforts to identify priority outreach areas; especially rural areas, and Migrant, Native American, and other minority populations.)

      (Describe SA efforts to actively seek eligible sponsors to serve the above areas. Assess success of efforts; i.e., did participation increase in target areas?)

2. Did the SA implement the strategies?

3. What was the rate of success?

4. Is there a need for the SA to develop and implement different strategies for expanding the SFSP?

5. What were the SA’s goals for expanding the SFSP in Fiscal Year 2009?

6. What outreach strategies did the SA use?

7. How effective were they?
V. PROGRAM OPERATIONS (Critical Area) (Continued)

B. Public Notification (Critical Area)

1. Describe the efforts to announce the purpose, eligibility criteria, and availability of the Program throughout the State by February 1 as required by 225.6(a)(2).

C. Eligibility and Approval for Sponsors and Sites (Critical Area)

1. Did the SA conduct pre-approval visits of sponsors and sites as specified in 225.7(d)(1)?

2. Is the SA adhering to conditions affecting approval and participation of private nonprofit organizations as stipulated in 225.6(b)(6)(ii)?

3. How does the SA require each sponsor to certify as true and correct its application, site information sheets, Program agreement, and claims for reimbursement, as required in 225.6(a)(3)?

4. Did the SA implement the Exceptions to Approving Sponsors Prior to Program Operations (Update), Policy Memo SFSP 01-2007 issued January 19, 2007 for any sponsors?
   a. If yes, how many?
   b. What were the circumstances for granting such approvals?

5. Has the SA extended permanent agreements to sponsors that only operate the SFSP in accordance with Policy Memo SFSP 03-2007, issued February 23, 2007?
C. Eligibility and Approval for Sponsors and Sites (Critical Area) (Continued)

6. Are migrant sites considered area eligible sites under the category of open, or restricted open, sites as defined in 225.2 in accordance with Policy Memo SFSP 04-2007, issued February 23, 2007?

7. Are SFSP sponsors of sites determined to be area eligible based on school data required to re-determine site eligibility every 5 years in accordance with Policy Memo SFSP 05-2007, issued on April 20, 2007?

(Forms and Descriptive Materials)

(Review the prototype forms that are provided to sponsors by the SA.)

[Does the application for free program meals contain all the necessary information? If not, explain. 225.15(f)]

[Has SA developed a certification statement for sponsors of homeless sites to ensure that no cash payments, food stamps or in-kind services are received for any Program meals served to children? 225.6(c)(2)(i)(L)]

[Has the SA developed a certification statement that homeless sites employ meal counting methods which ensure that reimbursement is claimed only for meals served to eligible children? 225.6(c)(2)(i)(L)]

(Do the policy statements comply with 225.6(c)(4)?)

(Does the media announcement comply with 225.15(e)?)
V. PROGRAM OPERATIONS (Critical Area) (Continued)

C. Eligibility and Approval for Sponsors and Sites (Critical Area) (Continued)

(Sponsor Applications)

(A. Approvals)

1. Review a sample of sponsor files which have regular sites, camp sites, homeless and other enrollment sites including NYSPs. If SA prototype forms were not used, determine if the policy statement, application forms, media announcement, and parent letter or other descriptive material comply with 225.15 and Inst. 113-1. Also determine if files contain sufficient information for correct approvals as follows:

   a. Has the SA implemented a single agreement for SFAs that also participate in other CNPs within their SA? 225.6(e)

   b. Has the SA allowed successful experienced sponsors to provide abbreviated application materials? 225.6(c)(3)

   c. Has the SA provided information to experienced sponsors allowing a program to operate without the normal application requirements during unanticipated school closures? 225.6(c)(3)(i)(B)

   d. Have any sponsors requested approval for flexibility in the length of time for the meal service or time between meal services? SFSP-443

   e. Copy of the free meal policy statement from all sponsors except previously operating SFAs. Copy of the free meal policy from the SFA if there is a substantive change. 225.6(c)(4)

   f. If an emergency shelter operates as a SFSP site, is it approved as an open, enrolled or camp site?
V. PROGRAM OPERATIONS (Critical Area) (Continued)

C. Eligibility and Approval for Sponsors and Sites (Critical Area) (Continued)

  g. If an emergency shelter operates under the CACFP during the school year, and the SFSP during the summer, do enrollment or activities change significantly?

  h. Has the SA collected sufficient information to demonstrate that a homeless site is not an RCCI? 225.6(c)(2)(i)(L)

  i. Has the SA used the correct method of determining eligibility when census tract data are used? (SFSP-223, SFSP-487, and SFSP-540)

  j. For camps and enrollment sites: In addition to the above, review the following for sufficiency:

    1. Does the parent letter or other descriptive material comply with 225.15(f) and Inst. 113-1, IX B, 2, 3, 4, and 5?

    2. Has the SA provided information to camp and closed enrolled sites that eligibility data may be shared between CNP entities? SFSP-368

    3. Does the Income Eligibility application require only the social security number of the adult signing the application and all current income by source? 225.15(f)(2)(iii)

    4. Was the NYSP site approval based on certification from the sponsor that all children are enrolled in the NYSP? 225.2 and 225.6(c)(2)(i)(I)
V. PROGRAM OPERATIONS (Critical Area) (Continued)

C. Eligibility and Approval for Sponsors and Sites (Critical Area) (Continued)

5. Has the SA allowed migrant sites to be approved based on
certification from a migrant organization that the site serves
children of migrant workers or predominately children of
migrant workers? 225.6(c)(i)(K)

k. For private nonprofit sponsors, were number of sites and
ADP approved per site within regulatory guidelines?
225.6(b)(6)(ii)

1. Has the SA granted an exception to the requirement?
225.6(b)(6)(ii)

2. Number of applications approved _____

3. What is SA's deadline for submission of applications?
225.6(b)(1)

4. Were applications submitted by deadline?

5. Were applications approved by the SA in a timely manner?
(within 30 days) 225.6(b)(3)

6. Discuss SA procedures for dealing with incomplete
applications.

   a. Were applications acted on within 15 days?

   b. Was technical assistance provided in completing
applications? 225.6(b)(3)

7. Were time frames met, i.e., decisions made and sponsors
notified within 30 days? 225.6(b)(3)

8. For SFAs on a year-round school year, has the SA provided
information about serving children that are on-track?
(SFSP-361)
V. PROGRAM OPERATIONS (Critical Area) (Continued)

C. Eligibility and Approval for Sponsors and Sites (Critical Area) (Continued)

9. Pre-approval visits:
   a. Number of new sponsors_______
   b. Number of pre-approval visits: Total_____ Nonprofit_____
   c. Are pre-approval visits during unanticipated school closures conducted in accordance with 225.7(d)(1)(i)?

(B. Denials)

(Number of applications denied. _____

Review a sample of denials and document the reason for denial.)

(C. Appeal)

(Does the SA issue appeal procedures to each sponsor and FSMC (if the SA continues to register FSMCs) with any letters of adverse action or upon request? 225.13(c))

(Have there been any appeals this year?
   a. If so, how many? Review files to determine if decision was timely. Explain if any SA have been over-turned.)

V. PROGRAM OPERATIONS (Critical Area)

D. Local Agency Procurement (Critical Area)
   General Requirements (Critical Area)

1. How does the SA ensure that sponsors comply with the bid procedures as specified in 225.15(h)(4)?

2. How does the SA ensure that sponsors that contract with a food service management company comply with the competitive sealed bid procedures set forth in 225.15(h)(4)(i)-(xii)?
V. PROGRAM OPERATIONS (Critical Area)

D. Local Agency Procurement (Critical Area)
General Requirements (Critical Area)

3. Does the SA provide guidance to local agencies on State/Federal procurement requirements including 7 CFR Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 7 CFR Part 3019, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations?

a. If so, review guidance materials provided and determine if it is appropriate and adequate.

4. Does the SA permit agreements between SFSP sponsors and food service management companies in a manner consistent with the National School Lunch Program (NSLP), in accordance with SFSP 09-2007, issued on July 27, 2007?

5. How does the SA provide technical assistance to sponsors requesting assistance in developing specifications, developing and/or reviewing invitations for bids/requests for proposals, evaluating bids/proposals, and writing contracts?

6. Does the SA review procurement action when it conducts reviews at the local level?

a. If so, what does the SA do when or if the review identifies specific deficiencies?

7. Does such review ensure that contracts contain applicable certifications, i.e., Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions; Certification Regarding Lobbying; Disclosure of Lobbying Activities?
V. PROGRAM OPERATIONS (Critical Area) (Continued)

D. Local Agency Procurement (Critical Area) (Continued)

General Requirements (Critical Area) (Continued)

8. How does the SA implement the prohibitions against “less than arms length” and other anti-competitive practices?

9. Policy Memo SFSP 09-2009 issued January 15, 2009, Competitive Procurement and Private Grants for School Food Programs, reminded SFAs that they must comply with requirements in 210.21, 220.16, 225.17, 3016.36 and 3019.40-48. Was any grant Programs with a Proprietary purchasing requirement awarded to any SFAs?

If so, did the SA document that all grant purchases only came from non-Program funding sources?

E. Food Service Management Companies (FSMCs) (Critical Area)

A) Did the State choose to register FSMCs? 225.6(g)

If no, please skip to #1 of mandated section.

Number of FSMCs registered_______

For all registered FSMCs:

1. Did the SA require the FSMC to register based on state procedures?

2. Was the FSMC required to certify that the information submitted was true and correct? 225.6(g)

3. Are all FSMC registrations on file, if applicable, and in compliance with 225.6(g)?

4. Is a copy of a health inspection report on file?

5. Did the SA revise its prototype FSMC contract to reflect changes relative to bacteria levels conforming to local standards? 225.6(h)(2)(v)
V. PROGRAM OPERATIONS (Critical Area) (Continued)

E. Food Service Management Companies (FSMCs) (Critical Area) (Continued)

6. Did SA inspect FSMCs prior to registration?  
   (Not required, but the SA may inspect the FSMC, if appropriate.)

7. Were FSMCs that applied for registration notified of decision within 30 days?)

8. Do the prototype and any other approved contract forms contain the terms outlined under 225.6(h)(2)?

   (Does the SA use the FNS prototype Invitation for Bid and Contract?
   If not, what is provided to the sponsors?
   Does it comply with 225.6(h)(2)?

   Examine a representative sample of approved contracts for compliance with requirements.)

9. Provide explanations of how the SA prohibits subcontracting of sponsor management functions.

   Provide explanations that ensure that sponsors of vended programs exercise full operational control over the program?

10. Does the SA exercise the option of requiring sponsors contracting with FSMCs to establish special accounts for operating costs in accordance with 225.6(f)?

11. Review the SA’s system for ensuring compliance by sponsors with regard to FSMC contracting requirements under 225.15(h)(4) and 225.17.
V. PROGRAM OPERATIONS (Critical Area) (Continued)

E. Food Service Management Companies (FSMCs) (Critical Area) (Continued)

(Were sponsors contracting with a FSMC required to bid for service if the value of the contract exceeded the small purchase threshold? 225.15(h)(4)

For sponsors whose contract is subject to competitive bidding:

a. Review notification to announce opening of bids for sufficiency. 225.15(h)(4)(i)

b. Was SA notified at least 14 days prior to the bid opening, where applicable? 225.15(h)(4)(iii)

(Does the SA allow PNP sponsors to vend meals from FSMCs and other PNP entities? (No longer prohibited - 225.14(d)(6))

12. Do FSMC contracts with school food authorities specifically cite the SFSP?

13. Has the SA complied with the provisions of 225.6(h)(4) and (6) in monitoring procurement bids?

14. Do contracts over $100,000 contain a bid bond in accordance with 225.15(h) (5) and (7)?

15. Describe how the SA provides appropriate guidance to the sponsor to ensure that applicable Federal, as well as State and local, procurement standards were followed.
V. PROGRAM OPERATIONS (Critical Area) (Continued)

F. Meal Service (Critical Area)

1. Has the SA permitted sponsors, which serve meals prepared by schools participating in the school meal programs, to substitute the meal requirements of the NSLP and the SBP for the meal pattern of SFSP, as required in 225.16(f)(1)?

2. Review the SA’s method for determining “program adults” and “non-program adults” and the rules that apply to feeding the two types.

3. Were all children fed first?

4. Was the income from the sale of adult meals and/or non-program funds used to pay for adult meals reported as income to the program on the claim form to offset reported costs?

5. Were meals served to children, program adults, and non-program adults counted and recorded separately on the daily meal count form?

   a. If applicable, was additional site staff hired to maintain program safety and integrity?

6. Do the SA’s procedures for authorizing sponsors to serve food in smaller quantities for children under six years of age conform to the requirements of 225.16(f)(2) and larger portions than the minimum quantities for children ages 12 to 18 years of age conform to the requirements of 225.16(d)?
V. PROGRAM OPERATIONS (Critical Area) (Continued)

F. Meal Service (Critical Area) (Continued)

7. Did the SA allow sponsors to implement the provision that fruit and vegetable food items may be taken off site?

8. How did the SA determine whether or not to allow foods to be taken off site? 225.6(e)(15)

9. What type of monitoring system did the SA use to ensure problems did not arise?
   (Was meal service [number and type] in compliance with 225.16(b)(3) and SFSP-381?)

   (Were time restrictions for meal service met according to 225.16(c)? (N/A for residential camps and migrant sites. SFSP-364) (Flexibility – see SFSP-443)

   (Offer versus serve [OVS] can be used by school SFSP sponsors operating Programs at any of their sites on the same basis that OVS operates in the school under NSLP. Are any sites using OVS?

   Has the SA monitored to ensure that OVS is being offered correctly? 225.16(f)(1)(ii).

   Describe SA procedures for monitoring compliance with the meal pattern to ensure that any variations in the food components for ethnic, religious, economic, or physical reasons remain within the approved guidelines listed in 225.16(f)(5).)
V. PROGRAM OPERATIONS (Critical Area) (Continued)

G. Commodity Foods (Critical Area)

1. Review the SA’s system for ensuring that commodity assistance is made available to eligible sponsors.

2. Is the SA in compliance with 225.9(b) (2) requiring that the Distributing Agency be notified no later than June 1 of sponsors eligible to receive commodities?

3. Does the listing only include those sponsors specified in 225.9(b) (1)?

4. Were the commodity entitlements based on the projected number of meals to be served by the sponsors?

5. Describe the system for ensuring that the distribution of commodities to SFSP sites was based on the number of eligible children’s meals served as required by 225.15(a) (2).

6. Explain the SA’s mechanism to ensure that SFSP sponsors of summer camps that are eligible to receive commodities report the total meals served to children (needy and nonneedy)?

7. How does the SA ensure the transfer of unused commodities from SFSP sponsors to other authorized outlets?
V. PROGRAM OPERATIONS (Critical Area) (Continued)

H. Program Payments (Critical Area)

1. Describe the SA’s system for ensuring that sponsors are not paid for meals claimed outside the approved days of operation?

(Describe SA claims procedures (who, how, when, etc.) Are claims paid year-to-date monthly or are claims reconciled at the end of the Program? Review a sample of claims to determine accuracy of reconciliation.)

Has the SA requested approval for retroactive payment for any sponsors? SFSP-450

Are correct operating rates being used to calculate claims? 225.9(d)(7)

2. Review and assess the SA’s efforts to ensure compliance with the provision restricting the percentage of second meals that may be claimed for reimbursement. 225.15(b)(4)

3. Determine if the SA is following its established policy regarding the allowability of excess meals.

4. Review the SA’s system to comply with the provisions of 225.15(a)(2) to prohibit the payment of claims for meals reimbursed under other federally funded programs.
V. PROGRAM OPERATIONS (Critical Area) (Continued)

H. Program Payments (Critical Area) (Continued)

5. How does the SA monitor a sponsor’s use of program funds to ensure funds are spent on allowable costs and that excess funds are used to improve the program?

6. Has the SA implemented a single claim system for school food authorities that operate multiple CN programs? SFSP 10-98, 10-99 and SFSP 03-2007

7. All State Agencies operate under simplified cost accounting procedures which eliminate the operating and administrative cost comparison. What changes has the SA made to its payment system?

8. Describe the changes made by the State to its outreach and information to potential sponsors to properly describe the Program under the Simplified requirements and procedures.

9. Describe the SA’s efforts and accomplishments in maximizing participation through the Simplified procedures.

VI. OVERSIGHT (Critical Area)

A. Technical Assistance and Training (Critical Area)

1. Has the SA implemented the training plan as described in the MAP? (Describe SFSP training made available to SA Program staff.)
VI. OVERSIGHT (Critical Area) (Continued)

A. Technical Assistance and Training (Critical Area) (Continued)

2. Was training provided to every sponsor, prior to it operating the program? 225.7(a)

(Did the SA provide information and technical assistance to SFAs about the Seamless Summer Feeding Option?)

(Was the SA aware that training is at the discretion of the SA in cases where unanticipated school closures have occurred? 225.7(a))

(Has guidance been provided that Upward Bound IEFs may be accepted in lieu of an SFSP IEF? SFSP-477)

(Discuss SA’s procedures for training. 225.7
Include:

a. Dates of training:
b. Who attended?
c. Evaluate thoroughness of training topics and materials developed by SA.
d. Were the requirements for serving and claiming second meals included?)

3. Has the SA developed and made available necessary Program materials in sufficient time to enable applicant sponsors to prepare adequately for the Program as required by 225.7(a-b)?
VI. OVERSIGHT (Critical Area) (Continued)

A. Technical Assistance and Training (Critical Area) (Continued)

4. How were new policies issued by FNS during the ME period handled?

   (Regulations, Instructions/Policy Implementation)

   Was the following policy disseminated timely?)

   FY 2007 – Circle any that are problematic and explain.

   535  536  537  538  539  541  SFSP 02-07  SFSP 04-07
   SFSP 05-07

   FY 2008 – SFSP 01-2008-OS, 02-2008-S, 03-2008-S, and 04-2008S


   (When were the current Income Eligibility Guidelines
dated 04-09-09 provided to sponsors?)

   (Has the SA issued the reimbursement rates for FY 2009?
   (Federal Register Notice dated 01-30-09))

5. Are there any recently approved State laws, policies, or pending legislation which might impact the SA’s administration of the SFSP?

VI. OVERSIGHT (Critical Area) (Continued)

B. Monitoring/Corrective Action (Critical Area)

1. Did the SA conduct a review of every new sponsor during the sponsor’s first year of operation?
   225.7(d)(2)(ii)(A)

   a. If not, explain.
VI. OVERSIGHT (Critical Area) (Continued)

B. Monitoring/Corrective Action (Critical Area) (continued)

(Sponsor/Site Reviews)

1. (Does SA conduct reviews of approved sponsors, sites and FSMCs in accordance with 225.7(d)(2) and (6)?

   Number of sponsor reviews: Planned _____ Completed _____

   Number of site reviews: Planned _____ Completed _____

   Number of FSMC reviews conducted as part of sponsor reviews ______ 225.7(d)(6)

2. Does the SA count USDA Federal reviews as one of their required reviews? If so, does the SA assume all responsibilities for resolution of the review findings? SFSP-449

3. Has the SA waived the first week visit requirement for any non-school sponsors? SFSP-447

4. Review and evaluate a sample number of sponsor/site files for recommendations made by SA. (Select a sample of each SA reviewer's reports.)

5. Evaluate the adequacy of the SA's tracking system to ensure the minimum number of initial reviews, and follow-up reviews are completed.

6. Explain system to verify that corrective action has been implemented and that problems have been resolved.
VI. OVERSIGHT (Critical Area) (Continued)

B. Monitoring/Corrective Action (Critical Area) (Continued)  
(Sponsor/Site Reviews)

7. How does SA determine who needs follow-up reviews and are they conducted? 225.7(d)(3) and (9)

8. How does SA ensure corrective action is taken and follow-up completed on Federal reviews of PNP sponsors?

9. Does the SA utilize the FNS monitor review form and provide a copy for sponsors? If not, does the form developed by the SA comply with 225.7(d)(7)? (Obtain a copy for your file.)

10. Does the sponsor review form adequately cover financial management areas, civil rights, meal requirements, site eligibility, and sponsor monitoring requirements?

11. Did the SA review the school food service operations that had the same school service personnel administering the SFSP and was it found to be satisfactory? If so, the SA need not review the SFSP in the same year.

12. Did the SA grant a waiver to any sponsor for first week visits? If so, what were the conditions and what were the site types. SFSP-387 & SFSP-447)

(Local Sponsor and Site Reviews)

(List local sponsors and sites visited (include dates). From SA accompanied local reviews, complete the following:

1. For what period of time?

2. Were there any findings as a result?

   A. Does the SA review documentation that that support costs reported on the reimbursement claim(s) and ensure that costs of non-reimbursable meals are not claimed? 225.9(d)(5)
VI. OVERSIGHT (Critical Area) (Continued)

B. Monitoring/Corrective Action (Critical Area) (Continued)

   (Local Sponsor/Site Reviews)

   B. Does the SA review documentation and determine if meal counts support number of meals claimed on the reimbursement claim?

      1) Does the method of counting meals give an accurate number of program and non-program meals for children and adults?

      2) For homeless sites, are accurate records maintained to ensure that commodities received are based only on the number of children's meals? 225.15(a)(2)

   3. Does the SA review documentation to determine if income received has been reported correctly on the reimbursement claim?

   4. Are sponsors record keeping procedures adequate? Are records maintained for 3 years?

   5. Does the SA provide guidance and review procurement documentation to ensure compliance with 225.17 and CFR Parts 3016 or 3019? Is any guidance material appropriate and adequate?

   6. Does the review ensure required Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions; Certification Regarding Lobbying; Disclosure of Lobbying Activities are included?

   7. Have any sponsor budgets containing indirect costs been approved? If so, were these costs correctly approved?

   8. Does the SA review for correctly approved eligibility applications? 225.15(f)

   9. Does the number of approved applications agree with the number reported on the reimbursement claim?
VI. **OVERSIGHT (Critical Area) (Continued)**

**B. Monitoring/Corrective Action (Critical Area) (Continued)**

(Local Sponsor/Site Reviews)

10. Does the SA review for overt identification in pricing programs? 225.6(c)(4)(ii)(C)

11. For homeless sites, does SA ensure sponsors do not receive food stamps, cash payments, or in-kind services for children's meals?

12. Is the "And Justice for All" poster displayed in the meal service area?)

13. Did the SA review every sponsor, which experienced significant operational problems in the prior year? 225.7(d)(2)(ii)(C)
   
   a. If not, explain.

14. Did the SA each sponsor at least once in three years? 225.7(d)(2)(ii)(D)

   a. If not, explain.

15. Did the SA review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the state in the prior year? 225.7(d)(2)(ii)(B)

   a. If not, explain.
VI. OVERSIGHT (Critical Area) (Continued)

B. Monitoring/Corrective Action (Critical Area) (Continued)

16. As part of each sponsor review, did the sponsor conduct reviews of at least 10 percent of each sponsor’s sites, or one site, whichever number is greater, and if not, explain? 225.7(d)(2)(ii)(E)

17. Did the SA review sponsors with large numbers of sites, or a site with a large number of children attending before reviewing sponsors with few sites or a site with fewer children?

   a. If the SA was unable to review sponsors or sites with large number of attending children, please explain.

Regulatory citations for these requirements are found at 225.7(d) (2).

C. Program Violations (Critical Area)

1. Do the SA’s procedures for declaring sponsors seriously deficient conform to the requirements of 225.11(c)?

2. Is the SA in compliance with 225.11(c), which addresses denial of applications and termination of sponsors?
VI. OVERSIGHT (Critical Area) (Continued)

D. Program Violations (Critical Area) (Continued)

3. Has the SA complied with the provisions of 225.11(d) through (f) and 225.12(a) regarding meal service restrictions, meal disallowances, claim disallowances, corrective action and termination of sites?

4. Are the SA’s procedures for resolving complaints alleging program violations effective and timely?

   a. Record the number of and nature of such complaints, and the actions taken by the SA.

E. Appeal Procedures

1. Is the SA in compliance with the appeal procedure requirements outlined in 225.13?

2. Are appeal rights provided in writing to each applicant?

3. As applicable, has the SA notified each sponsor of its right to appeal when it is advised of an adverse action? 225.13(c)

4. Review the SA’s records of appeals for the current fiscal year.

   a. Record the number filed, reasons, and outcomes of the appeals filed.
VII. **WAIVERS** (Critical Area)

1. Review the SA’s overall process for developing waiver requests.

2. Describe the results of this effort.

3. Has the SA complied with application, public notification, and reporting requirements?

VIII. **CIVIL RIGHTS COMPLIANCE** (Critical Area)

1. Does the SA include Civil Rights compliance as a provision of its agreements with sponsors?

   a. If not, why not?

2. Does the SA include Civil Rights compliance in its on-site reviews of sponsors?

3. Have there been any findings in this area?

   a. If so, how were they resolved?

4. Has the SA received any Civil Rights complaints or other allegations of violations since the last ME visit?

   a. If so, how were they handled?
VIII. CIVIL RIGHTS COMPLIANCE (Critical Area) (Continued)

5. Were they forwarded to FNS in a timely manner?

(Are the nondiscrimination statement and procedure for filing a complaint contained on all releases, publications, poster, etc., for sponsors and food service management companies? (Instruction 113-1, VI. B.1.) Has the SA implemented the Child Nutrition language found in SFSP-526?)

(How does the SA ensure that sponsors collect racial/ethnic data as required? How does the SA ensure that the Child Nutrition nondiscrimination statement is used in all materials as described in SFSP-526?)

(Have the revised standards for collecting Racial/Ethnic data been updated? Not required until 1-1-03, but suggested ASAP. SFSP-526)

(Has CR training been provided to SA staff and has the SA provided CR training to sponsors? Give number of sponsors and SA staff trained, by whom, and an overview of the training content. (Inst. 113-1 IX and XI))

(Does the SA complaint procedure meet the requirements of Inst. 113-1 XVI, C and Appendix E?)
VIII. CIVIL RIGHTS COMPLIANCE (Critical Area) (Continued)

Has the SA had a CR compliance review performed by an agency other than by FNS RO within the past year?

If so, were there any findings or commendations?)
(Is there a need for bilingual material or staff? If so, how is the SA meeting this need? Explain. (Inst. 113-1. VII, VIII and Appendix B, G (a)-(d))

(Pre-award Reviews

Was a pre-award review conducted for each new sponsor?

Number conducted this year ______

Does review cover all requirements of Inst. 113-1 XIII C1-4 and Appendix B, G, 1 and 2?

Review sponsor files and describe any problems that had to be corrected.)

(Post-award Reviews

Number of sponsor reviews _____ Number of site reviews_____

Does the information solicited comply with Inst. 113-1 XIII E, 1b, 2, 3b, F, G and H?)

IX. FINANCIAL MANAGEMENT (Critical Area)

A. Sponsor Advances

1. Describe advance payment procedures (who, how & when, etc.). 225.9(c)

2. Does the SA ensure that 2nd operating and/or administrative advances are not issued to sponsors (excepting SFAs) that have not provided training and submitted certifications in accordance with 225.9(c)(1)(i) and 225.9(c)(2)(i)
IX. FINANCIAL MANAGEMENT (Critical Area) (Continued)

3. Is the SA receiving a sponsor certification as required in 225.6(a)(3)?

4. Review calculations of advances to determine if sponsors were eligible and if advances were provided/calculated correctly? 225.9(c)(1&2)

5. Has the SA provided any start-up funds for sponsors? If so, what criteria does the SA use to determine the amount needed? 225.9(a)

B. State Administrative Funds (SAF) – See Approved MAP 225.5

1. Approved amount of SAF this fiscal year: $________

2. How much SAF has been drawn from the Letter Of Credit to date? $_____

3. Does it appear that the SA will use all of the SAF approved in the MAP?

4. Review the SA records to determine if expenditures are consistent with line items approved in the budget and activities identified in the SAE/SAF Plan are being accomplished.

5. How does the SA allocate cost to SAF when a SA reviewer is working in more than one program in a day or on a trip?

6. Are any SFSP administrative costs being picked up by SAE funds? If so, explain.

7. Describe the SA’s procedures for drawing down Program funds.
X. Exit Conference

A. Date________

B. Names and Title of staff members present:

C. Items Discussed