

Alabama SFSP Policy and Procedures

Contact Information:

Alabama Department of Education
Child Nutrition Programs Attn: SFSP
P. O. Box 302101
5301 Gordon Persons Building
Montgomery, AL 36130-2101
Child Nutrition Programs – 334-242-8249

Federal Express, UPS, Other Overnight Delivery:

Alabama Department of Education
Child Nutrition Programs
5301 Gordon Persons Building
50 North Ripley Street
Montgomery, AL 36130-2101

Civil Rights Compliance

Participating sponsors must ensure that all sites are in compliance with federal regulations and the United States Department of Agriculture Civil Rights statement.

Non-discrimination Statement

“The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

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

USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full non-discrimination statement, it must include, at a minimum, the following statement, in print size no smaller than the text:

“This institution is an equal opportunity provider.”

Civil Rights Complaint Procedure

All SFSP sponsors must have a procedure for handling civil rights complaints. All staff must understand how to handle a Civil Rights complaint using the sponsor's standard complaint procedure. The adopted procedure and training sign-in sheets should be kept in a permanent file as documentation.

The following *Procedure for Handling Civil Rights Complaints* is a suggested procedure. The sponsor may adopt and train using this procedure or a similar procedure which meets Federal Guidelines, FNS Instruction 113-1.

Sample Procedure for Handling Civil Rights Complaints:

Right to file. Any person or representative alleging discrimination based on race, color, national origin, age, sex, or disability has the right to file a complaint within 180 days of the alleged discriminatory action.

Acceptance. All complaints, written or verbal, must be forwarded to the appropriate Regional or Food and Nutrition Service Office of Civil Rights Director or to the attention of:

Ms. June B. Barrett
Alabama Department of Education, Child Nutrition Programs
Gordon Persons Building Room 5301
50 North Ripley Street
Montgomery, AL 36130-2101

Forms. Having a data collection form will help ensure all information necessary for evaluating the merit of the complaint is encouraged. Sponsors may use their own form for documenting complaints or the sample provided in FNS Instruction 113-1, appendix E.

Verbal Complaints. 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 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 nondiscrimination are race, color, national origin, age, disability, or sex.
- The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action, and
- The date (s) during which the alleged discriminatory actions occurred, or, if continuing, the duration of such actions.

ALABAMA BID LAWS

State law requires that certain expenditures of city and county school boards are subject to competitive bidding. Expenditures for labor, services, or work, and the purchase or lease of materials, supplies, equipment, or other personal property involving \$15,000 or more are subject to competitive bidding. **[§16-13B-1, et.al.]**

Individual purchases less than \$15,000 may be subject to competitive bidding if a school board can reasonably expect to purchase more than \$15,000 for like items during the year. School systems may purchase items without bidding by purchasing from the state bid list; however, a school system may not purchase items without bidding on the grounds that a vendor's price is less than the state bid list. Pursuant to Act No. 97-934, student materials allocations distributed to the schools may be used to purchase materials, supplies, and equipment without competitive bids if the item cost is less than \$7,500. **[§ 16-1-8.1] [Note: This amount was not increased to \$15,000 when the bid law was amended in 2008.]**

Some expenditures that are exempt from the competitive bid law include:

- Purchase of insurance
- Professional service contracts (lawyers, CPA's, architects, etc.)
- Contracts to furnish financial advice or services
- Purchases of books, maps, pamphlets, or periodicals
- Purchases made by individual schools from funds other than those raised by taxation or received through state or local government sources
- Contractual services and purchases of commodities for which there is only one vendor or supplier
- Contractual services and purchases of personal property which, by their very nature, are impossible of award by competitive bidding
- Contractual services and purchases related to security.

A procurement plan must be completed and kept on file in the sponsor's office. If your organization does not have a procurement plan on file, complete a procurement plan including the following:

- A consistent contract procedure
- A written code of standards of conduct governing the performance of employees
- A review of proposed procurements
- Assurance that awards are only made to responsible contractors
- Records to document procurement history
- Procurement procedures to provide for full and open competition
- Procurements without imposing State or local geographical preferences
- Written selection procedures
- Procedures that prohibit contractors from writing specifications, requests for proposal, contract terms and conditions from bidding on goods or services

- **A-133 Audit**
FEDERAL AUDIT STANDARDS REQUIRE governmental or non-profit entities that expend \$500,000 or more in Federal awards during a fiscal year and those that receive funding from more than one type of Federal program to submit an A-133 audit. If the sponsor expends \$500,000 or more and only has one federal program, the sponsor may submit a program specific audit. The audits are due within 30 days after issuance or no later than 9 months after the end of the sponsor's fiscal year. The State agency audit staff will review the audit for compliance with applicable audit standards. If the audit report is deficient, the State agency will request a Corrective Action Plan (CAP). If a CAP is not submitted, the State agency will contact the sponsor. The State agency will work with the sponsor to resolve any findings pertaining directly or indirectly to the SFSP. When the report is considered acceptable, the State agency will notify the sponsor in writing that the audit file is closed.

- **Audit Expenses**
Federal audit standards require recipients of Federal funds to have audits performed if the organization received funds in the amount of \$500,000 or more during the previous fiscal year. Costs associated with the SFSP portion of the audit are an allowable expense. The invoice from the certified public accountant should indicate the SFSP portion of the total cost and the amount should be recorded on the Monthly General Journal or accounting ledger.
- **Submit audit reports to:**
Alabama Department of Education-Child Nutrition Programs
Financial Management and Compliance
5302 Gordon Persons Building
P. O. Box 302101
Montgomery, AL 36130-2101

Financial Management

Separate SFSP checking accounts are not required for all sponsors.

All private nonprofit sponsors who expend less than \$500,000 per year in Federal financial assistance AND who do not submit an annual audited financial statement to the State agency in accordance with the requirements of OMB Circular A-133 must document and identify SFSP expenditures, income, and payment documentation.

All other sponsors (including private nonprofit organizations and governmental entities) expending \$500,000 or more in Federal financial assistance and submitting an annual audited financial statement to the State agency, in accordance with the requirements of OMB Circular A-133, will not be required to maintain a separate checking account. This provision is contingent upon the sponsor's written description of an accounting system that provides for separate identification of ALL SFSP food service transactions, including the accrual of interest earned on any cash balance of the SFSP food service account on a monthly basis. Also, if it is identified on a program administrative review or audit that the sponsor has failed to maintain such an accounting system, the sponsor will be required to maintain a separate checking account as required corrective action.

COMMODITIES

Sponsors participating in the commodities program must enter into an agreement between the sponsoring organization and the State agency and submit the commodity request form indicating the amount of the item requested to the State agency along with the SFSP application materials. Sponsors will be notified when the food arrives at the distributor's warehouse. Commodities must be picked up by the sponsor from the Wood Fruitticher Grocery Company in Birmingham.

School systems that are vending or sponsoring SFSP may use any commodity products in inventory. This includes commodities schools might have in inventory from the prior school year.

Alabama Claim for Reimbursement Process

The Alabama Department of Education (SDE) requires that Summer Food Service Program (SFSP) sponsors file a claim for reimbursement for **each month** in which a sponsor operates. The online application for sites that are approved to operate yet did not serve meals during a month **must be revised** to show that they did not operate during the month.

The claim for reimbursement process contains two parts – the Site Data Sheet submission and the Online Claim entry. Sponsors that only operate the SFSP program must only submit the Site Data Sheet. Sponsors that participate in other programs in addition to the SFSP must submit the Site Data Sheet and coordinate with other CNP program representatives within their agency to submit the combined Online Claim form. For detailed instructions on how to file the claim if you operate more than one CNP program refer to the **Summer Feeding User Manual**.

Site Data Sheet

The initial document that is submitted online is called a “Site Data Sheet”. This online form is used to submit monthly participation data and the number of meals served for each operating site.

Deadlines for Submission

Initial Claims for Reimbursement

The entire claim submission process is due no later than midnight, **20 days from the end of the month for which you are claiming**. For example, a June Site Data Sheet is due no later than midnight on July 20th.

Revised Claims for Reimbursement

Submitted claims may be revised if the sponsor discovers a mistake after the claim has been filed. A revised claim that *decreases* the reimbursement must be submitted as soon as the error is discovered. A revised claim that *increases* reimbursement must be submitted within 50 days from the end of the month for which you will be reimbursed additional funds. A revised claim due to an audit or review performed by our monitoring staff must be submitted according to the deadlines given by them.

If you miss a deadline, file the late site data sheet immediately. Each month must be filed in sequence. A late claim will involve a One Time Exception waiver, if available.

One Time Exception waiver (OTE)

If a claim is submitted late, you will be contacted regarding the requirements of the “One Time Exception” waiver (OTE). Once every three years, or 36 months, a sponsor may apply for an exception to the required date of filing a claim if a deadline is missed. There is absolutely no guarantee that you will be granted this relief. The rule simply allows you to apply and explain the circumstances under which you were unable to submit the Claim for Reimbursement as required. Be prepared to provide a written explanation and an acceptable Corrective Action Plan which includes written procedures to prevent future late submissions.

Legal Time Frames Regarding Payment

The SDE must pay a claim within 45 days of receipt of a complete and correct claim. If there is an error on the claim, you must be notified of the error within 15 days.

You must wait a minimum of 10 days after submitting your Site Data Sheet/Claim for Reimbursement before contacting our office. The bar located at the top of the Site Data Sheet and Online Claim indicates where your claim is in the reimbursement process. You are encouraged to email **CNPClaim@alsde.edu** with any questions regarding claims that you may have.