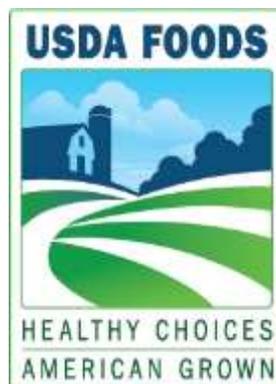


2015

THE EMERGENCY FOOD ASSISTANCE PROGRAM

**Program Manual for
Agency Administration Staff**



THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Program Manual for Agency Administration Staff

Prepared by:
Michigan Department of Education
Food Distribution Unit
608 W. Allegan
Lansing, Michigan 48933
Phone: 517-373-8642 * Fax: 517-373-4022

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Section 1: General Information

A. Introduction:

The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost. It also provides administrative funds to State Distributing Agencies (SDAs) to support the storage and distribution of USDA Foods.

Through TEFAP, the U.S. Department of Agriculture (USDA) purchases USDA Foods, including processing and packaging, and makes it available to SDAs. States provide the food to local agencies that they have agreements with, usually food banks, which in turn distribute the food to local organizations, such as soup kitchens and food pantries that directly serve the public. States also provide the food to other types of local organizations, such as community action agencies, which distribute the foods directly to low-income households.

TEFAP is administered at the federal level by the Food and Nutrition Service (FNS), an agency of the USDA. The program is governed by Federal Regulations 7 CFR, Parts 250 and 251. These regulations and other policies may be found at the USDA web site www.fns.usda.gov/fdd. The Hunger Prevention Act of 1988 authorized funds to be appropriated for the purchase of USDA Foods specifically for TEFAP. Additionally, the current Farm Bill authorizes TEFAP, more information on the Farm Bill and Hunger Prevention Act can be found here: <http://www.fns.usda.gov/fns>.

B. State Distributing Agency Designation:

1. The Michigan Department of Education (MDE) has been designated by the Governor as the state agency responsible for TEFAP.
2. This selection is efficient and expedient because MDE also has administrative responsibility for other USDA donated foods programs, including:
 - a. National School Lunch Program (NSLP)
 - b. Commodity Supplemental Food Program (CSFP)

C. Local Agency Designation:

1. MDE has designated both statewide Community Action Agencies and The Food Bank Council of Michigan (FBCM) with the responsibility of distributing USDA Foods locally.
2. Each Local Agency enters into an annual agreement with MDE.
3. MDE and/or the USDA have the responsibility for monitoring local grantee agencies.

D. Responsibilities of Local Agencies:

1. Willing to serve the needs of all eligible households in their geographic area.
2. Establish distribution sites in sufficient number and appropriate locations.
3. Monitor distribution sites to verify program compliance.

E. Program Regulations and Guidelines:

1. USDA Regulations require that each state determine qualifications for a household to be considered needy and eligible to receive USDA Foods.
2. USDA Foods and funding are made available based on both the number of unemployed people and the number of people below poverty level of income in the state.
3. The Poverty Income Guidelines are issued annually by the Department of Health and Human Services (HHS) for determining eligibility for assistance or service in this federal program.

Section 2: Participant Information

A. Participant Eligibility:

1. Local agencies gather individual eligibility information at distribution sites.
2. Applicants are automatically eligible for TEFAP foods if they are participants in:
 - a. Michigan's Food Assistance Program (FAP); or
 - b. Family Independence Program (FIP); or
 - c. Commodity Supplemental Food Program (CSFP) for those individuals sixty (60) years of age or older.

B. Participant Income:

1. TEFAP income qualifications for recipients is 200% of current Poverty Income Guidelines.
2. Regulations do not require applicants to provide verification of income of any kind.

C. Participant Residency Requirements:

1. Participants must reside in the State for at least one day in the assigned area of the distributing agency.
2. Participants residing outside of the agency's distribution area may be served if sufficient product is available. The participant should be advised of the correct distribution location for future participation in TEFAP.
3. Self-declaration of homeless participants shall be accepted as they are presumed to be residence of the State. If any homeless persons or those with disabilities lack documentation of identity or residence, the distribution site may indicate "NONE" in the address section of the signature sheet. Agencies should use discretion in providing foods that are appropriate and easy to use and prepare. Staff and volunteers are encouraged to refer any homeless person to the local social services agencies which may assist the individual with obtaining documentation or other needed services.

D. Participant Signature Process:

1. Persons receiving USDA Foods must sign a client intake sheet to attest that they meet the Income Eligibility Guidelines.
2. Participants take responsibility for compliance with income guidelines when they sign for receipt of USDA Foods.
3. Volunteers and paid staff are relieved of both legal and all programmatic liability.

E. Participant Records:

1. A log/roster must be available at each distribution site to record:
 - a. Signature of the person receiving USDA Foods;
 - b. Address of the person receiving USDA Foods; and
 - c. Number of members in the household.
2. Agencies are **not allowed** to collect proof of household information from participants. Participants take responsibility for provision of accurate information.
3. Signature logs are legal documents and must be kept on file for three years plus the current fiscal year. Distribution site are prohibited from asking for income data, pay stubs, and/or social security cards.

F. Participant Restrictions:

1. Agencies must have a system to assure participants obtain food only once during any given distribution period.
2. TEFAP food may not be provided for correctional facilities (jails/prisons), but may be distributed through youth shelters not serving as detention centers. TEFAP foods cannot be distributed at facilities that house those serving time for criminal actions, but can be served at facilities that house persons waiting for foster care placement or adoption.
3. Family or friends may pick up food for ill and/or housebound participants with proper identification. This is known as a "proxy".
4. Approved methods to allow a proxy include:
 - a. presenting identification and a signed note or proxy form from the participant; or
 - b. previously designated proxy with identification; or
 - c. presenter completes signature sheet with participants name followed by the word "proxy".

Section 3: Distribution Information

A. General Information:

1. TEFAP products are for household use and/or congregate feeding sites that primarily serve households in economic need.
2. Local agencies, food pantries, and food banks should not distribute TEFAP products to schools or correction facilities for use in meal preparation programs. School Programs that provide TEFAP food products in food packages for home preparation and consumption must be approved and added to the State Plan before distribution may begin.
3. Agencies distributing donated foods must keep proof of 501(c) tax exempt status on file.
4. TEFAP is a program that is intended to supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost. In other words, it should not be assumed that the food being provided by TEFAP is the only source of food for those clients participating in the program. The donation of TEFAP food shall enable clients to spend their income on items not available at food pantries. SNAP benefits (the Supplemental Nutrition Assistance Program, formerly known as Food Stamps), earned income, and subsidized meal programs are also important factors in the food security network.

B. Definition of Household:

1. A "household" is defined as: A single individual or group of related or non-related individuals, exclusive of borders who are not residents of an institution, but who are living as one economic unit and for whom food is customarily purchased and prepared in common. A "household" may be:
 - a. A single individual living alone; or
 - b. A group of individuals living together; or
 - c. An immediate family living together; or
 - d. An extended family living together; or
 - e. A group of non-related individuals, living together; or
 - f. College students living together and sharing household costs; or
 - g. Court-placed individuals in a foster home are considered a family of one.

C. Foster Home Recipients:

1. Household size for the amount of food to be distributed is determined by the number in the foster home meeting the income guidelines.
2. The income qualification for foster homes to participate is based on the income of each client with the family size of one. Each client qualifies based on his/her own income. Clients' incomes are not combined to determine income eligibility.

3. The amount of food distributed is based on the number of qualified clients in the foster home. For example: There are eight clients in the foster home, three qualify for TEFAP based on each client's income for a family of one. A food package for a family of one to four people is issued because three clients qualify for the program based on their individual incomes.

D. Issuance Rates:

1. The quantity and variety of products available to MDE is determined by the USDA and the State's allocation of entitlement, as well as the agency's ability to store, distribute, and/or accept certain products being offered by the USDA.
2. Entitlement is allocated to each state is based on a formula weighing the total U.S. population with the number of persons unemployed (40% weight) and the number of persons at or below the poverty level (60% weight) in each state.
3. Allocation of entitlement to the local agency is based on a similar computation for each county in the agency's service area and the local agency's ability to serve the eligible households.
4. MDE often recommends issuance rates for individual foods based on household size and usability of the food within a reasonable period of time.
5. The variety of USDA Foods issued and quantity may vary across the state based on individual agencies' preferences when expending entitlement dollars.

E. Distribution Site Guidelines:

1. Food products may be pre-bagged/boxed or made available to participants through a client choice procedure.
2. With client choice, participants may choose to decline food that will not be consumed by the household in a timely manner.
3. Distribution sites shall be designated based upon the needs of the area, reasonable hours of operation, proximity to other distribution sites, ability to properly store and distribute USDA Foods, as well as ability to follow policies and procedures.
4. Distribution sites shall ensure that hours of operation are clearly posted, all required Civil Rights posters are in place, all proxy forms are collected, and signature sheets are properly signed.

F. Limited English Proficiency Plan:

Distribution sites must be able to manage the needs of non-English speaking participants according to the level of need at that location. A Limited English Proficiency Plan (LEP) is required. The LEP must provide support and direction for dealing with non-English speaking participants or applicants. This plan should include Ispeak cards or similar documents for identifying language needs, contact information for translation services, and an outline for collecting information, providing translation, and distribution of USDA donated food.

G. Disaster Planning:

TEFAP requirements are not to be waived or modified by the pantry in the event of a natural disaster. Any variations from normal distribution must come from the Federal level in the event of such emergency. TEFAP foods may not be distributed as part of a disaster food distribution without permission from the State and Federal level. Agencies should notify food pantries if the distribution method is to vary during a disaster.

H. Food Pantry Storage and Distribution:

1. Local agencies must have a current, written agreement with any food bank or pantry that acts as a sub-distributing agent of USDA Foods.
2. The agreement must ensure that:
 - a. TEFAP foods are stored according to USDA and local health department guidelines;
 - b. Financial obligations for product losses are clearly defined;
 - c. Criteria for determining participant need meets established State standards; and
 - d. USDA Foods are provided to households at no cost.
3. The USDA discourages food pantries from requiring appointments for service. A food pantry should serve eligible persons from the community who walk in and request food.

I. Prohibition of Sale of Products

1. No USDA Foods available through TEFAP shall be sold or otherwise disposed of in commercial channels in any form.
2. Loss of food to commercial channels is subject to repayment of the value of lost product.

J. Public Outreach

1. It is the responsibility of the agency to conduct appropriate outreach activities within its service area and provide information that includes the site's name, address, distribution dates, and hours of operation.
2. Posters, pamphlets, and public service announcements, including newsletters, can be used to make potential participants aware of the availability of donated food. Word-of-mouth is never acceptable as the sole or primary method of public outreach.

K. Provision of Unrelated Activities at Distribution

1. The distribution of USDA Foods shall not be used as a means for furthering the political interest of any individual or party.
2. 7 CFR, Part 251.10 (f) (1) of the TEFAP regulations permits activities unrelated to TEFAP food distribution under the following conditions:
 - a. The person(s) conducting the activity make clear that the activity is not part of the TEFAP distribution.
 - b. The person(s) conducting the activity makes clear that participants need not cooperate or participate in activities with him or her in order to receive TEFAP foods.
 - c. The activity does not interfere with TEFAP distribution.
3. Information unrelated to TEFAP may not be placed in or printed on TEFAP bags or boxes.
4. The only exception to item number 3 above is that the USDA does encourage local agencies to distribute information about various **government-sponsored** programs that help the needy.

Section 4: Ordering Information/Warehouse

A. Food Ordering Overview:

1. MDE and local TEFAP agencies order USDA Foods utilizing the USDA's Web Based Supply Chain Management System (WBSCM). WBSCM provides details for ordering available USDA Foods, the estimated value, possible ship dates, and the last date for the TEFAP agency to place an order.
2. USDA Foods are ordered quarterly for many food items. Some canned fruits and vegetables and dairy products are ordered only once or twice a year to maximize the USDA's purchasing power.

B. Procedures to Accept and Receipt Deliveries:

1. Vendors and their dispatchers make delivery appointments no later than 24 hours before the anticipated delivery. Before scheduling a delivery appointment, warehouse staff must verify that the USDA Food belongs to that warehouse with a WBSCM generated Advanced Shipment Notification (ASN).
2. Check amounts accurately when receiving product from warehouses. Count cases not skids, as the number of cases per skid may vary based on the agency's order, the packer, or for other reasons. Also, different products may be stacked differently because of case size. Ensure truck is properly sealed before acceptance.
3. It is important to document accurate counts. Warehouse staff should be trained in the methodology of receipting USDA Food deliveries in WBSCM. The process includes documenting damaged, spoiled, lost, or excess product.
4. USDA FNS requires all shipments to be receipted in WBSCM within two calendar days of delivery in order to meet contractual requirements. Further guidance in receipting can be found at USDA Policy Memo FD-062: <http://www.fns.usda.gov/electronic-receipting-usda-direct-and-multi-food-shipments-revised>
5. Instructions specific to utilizing the many aspects of the WBSCM system are available in the WBSCM training manual and on the USDA's WBSCM web page at <http://www.fns.usda.gov/fdd/fns-wbscm-information>

C. Disposal Authorization:

1. Damage, spoilage, or loss of food discovered or occurring after delivery must be reported immediately to MDE. If the loss is due to agency negligence, that agency must make restitution to USDA through MDE. Such restitution shall be based on the current USDA average value of the product and such losses cannot be replaced by federal funding from any source.
2. Agency shall follow all state and local health and sanitation codes when disposing of damaged or spoiled food items.

3. An agency must submit a Disposal Authorization form by fax at 517-373-4022 to MDE before disposing of damaged USDA Foods or report by telephone to the MDE food distribution staff. A Disposal Authorization Form shall be completed within ten (10) days after the close of the month if losses have been reported
4. MDE may request additional information about the loss and/or provide directions for proper disposal.

D. Warehousing Policy

1. Local distribution agencies are discouraged from maintaining large inventories of USDA Foods. Agencies should maintain a three month distribution supply of USDA food items.
2. Food banks and food pantries must maintain a warehouse where USDA Foods are held until product is delivered or picked up. A food bank may choose to deliver the USDA Foods from a central warehouse to all of its distribution sites.
3. Storage facilities must maintain clean, climate controlled, secure from theft, with adequate storage for USDA foods as described below. A written rodent-control policy must be kept current and a thermometer should be available in each storage area.
 - a. Dry USDA Foods must be stored as follows:
 - i. In a cool, dry area between 50 and 70 degrees (F) and out of direct sunlight
 - ii. At least 6 inches off the floor and 4 inches away from the wall
 - iii. Unless shrink wrapped, no more than three pallets high to avoid tipping and/or damage to food
 - iv. No less than two feet from the ceiling to avoid higher temperatures and away from any water, heat, or steam sources.
 - b. Refrigerated USDA Foods must be stored as follows:
 - i. Between 36 and 40 degrees (F)
 - ii. Stored with proper air circulation
 - iii. In a refrigeration unit that is cleaned and inspected regularly
 - iv. Contact MDE for approval to use any alternate forms of temperature control (example: insulated thermal cooling blanket)

- c. Frozen USDA Foods must be stored as follows:
 - i. In a freezer registering 0 degrees (F) or lower
 - ii. Stored with proper air circulation
 - iii. In a freezer unit that is cleaned and inspected regularly
- 4. Facilities used for long term storage/warehousing of USDA Foods must be licensed by the Michigan Department of Agriculture and Rural Development (MDARD) and inspected regularly.
- 5. Security precautions must be established to minimize risk of loss due to theft.
- 6. Insurance coverage should be met through a policy with an insurance carrier or through self-insurance. Self-insurance means an agency's operating revenues are used to pay claims as they occur. In most cases, self-insurance is recommended to cover the value of TEFAP foods in inventory. Cost for product insurance from insurance carriers is not cost effective.
- 7. Warehousing/Storage and USDA Food Distribution Practices:
 - a. Inspect all USDA Foods upon arrival from the distributor.
 - b. Check deliveries for shortages and damage before foods are accepted
 - c. Examine temperature and condition of refrigerated products.
 - d. Examine canned foods for damaged, disfigured, or discolored items
 - e. Inspect items subject to infestation.
 - f. Do not accept damaged products.
 - g. Utilize pallet labels to facilitate first in/first out (FIFO) inventory management.
 - h. Inspect the condition of warehoused products on a regular basis.
 - i. Foods found "out of condition" must be segregated from other foods.
 - j. The disposal of "out of condition" foods must be approved by the MDE.

E. USDA Foods Transfer Policy

TEFAP products are made available for distribution to eligible households and congregate feeding sites. TEFAP distribution agencies are prohibited from transferring products to schools, summer camps, or other organizations that receive USDA Foods through other USDA Programs or cash in lieu of commodities: In the event there is a need for a transfer, please notify MDE.

Section 5: Record Keeping

A. Reporting Losses:

1. As per the Application-Agreement between MDE and the local agency, an agency is accountable for the foods until such time as they are distributed to eligible households.
2. The agency must replace the value of any lost or damaged food when the value is greater than \$500 and/or is attributed to improper storage or other negligence on the part of the agency or its partner food banks/ pantries.
3. Repeated loss of food that exceeds \$500 annually may result in further review of storage facilities by MDE.
4. When the loss of product occurs due to negligence or poor warehousing practices, the Agency is responsible to replace the product or repay the value of lost product to MDE. Agency repayments are redistributed to other Agencies according to their share percentage of the State's total household allocation.
5. Agency accountability requires the Agency to examine storage capabilities and practices of a food pantry before providing USDA Foods.
6. All product losses must be reported monthly on the Food Distribution Report. Furthermore, a Disposal Authorization Form shall be completed within ten (10) days after the close of the month if losses have been reported.
7. The supply of product made available to partner food banks and/or pantries should be no greater than an amount that will be distributed within 30 days.

B. Record Keeping and Reporting Requirements

1. All records must be maintained for a period of three years following the end of the fiscal year to which they pertain. The local agencies are required to maintain records that document:
 - a. Receipt, inventory, and distribution of USDA Foods;
 - b. Amount of administrative funds received and utilized in the distribution program. The financial records shall be maintained in accordance with 7 CFR Part 3016 and/or 7 CFR Part 3019;
 - c. All USDA Foods received, including any damage, shortage, or overage;
 - d. The variety and quantity of products sent to each distribution site and the number of households served;
 - e. Disposition of undistributed food; and
 - f. Signature and printed name of the household member accepting the food, address of the household, number in the household, and the basis for determining eligibility.

2. All records used to prepare reports must also be maintained for a period of three years following the end of the fiscal year to which they pertain. Local agencies shall submit to MDE complete and accurate reports of:
 - a. TEFAP Food Distribution Report - Local agencies are responsible for reporting monthly USDA Food activities reflecting the food received and distributed during the reporting period. Food distribution reports are due to MDE by the tenth day of the month following the distribution or receipt of USDA Foods. Supporting documentation, such as the Losses and Gains Report and the Disposal Authorization Form, should be attached if warranted.
 - b. TEFAP Cost Report - Agencies report allowable costs associated with the storage and distribution of donated foods. Such costs are reimbursable to the extent of available funds and to a maximum level prescribed by the USDA. Administrative costs are submitted monthly in the Michigan Nutrition Data (MiND) system by the tenth day of the following month.

C. Monitoring Requirements

1. To meet USDA monitoring requirements, MDE conducts annual reviews of at least 25% of the agencies that have a signed agreement to participate in TEFAP.
2. Each agency must be reviewed at least once every four years. Ideally, reviews are conducted simultaneously with actual distributions and/or warehouse reviews.
3. Local agencies must review their distribution sites, pantries, and warehouses at least once annually. The purpose of the on-site visit is to ensure the establishment complies with all food storage, record keeping, and program operation requirements identified in this manual, as well as state and federal regulations. Regulations state that each warehousing facility that houses USDA foods has to be reviewed at least annually. State agencies must review 20 or 10%, whichever is fewer, of all Eligible Recipient Agencies (ERA) that receive TEFAP foods and/or administrative funds through an agreement with another ERA.

Section 6: Volunteers

Please refer the TEFAP Volunteer Manual for more guidance pertaining to volunteers.

A. Volunteer Appreciation

1. Volunteers may not take TEFAP foods unless they are income eligible.
2. Local Agencies are encouraged to show appreciation for volunteers through the following efforts:
 - a. Provide volunteers a meal, beverages or snacks on distribution days; or
 - b. Hold an event to honor volunteers; or
 - c. Publicly display signs of appreciation for volunteers, such as posters or letters of thanks.

B. Civil Rights Requirements/American Disabilities Act

1. Civil Right Notification of Rights for Participants:
 - a. TEFAP is open to all eligible persons regardless of race, color, national origin, sex, age, and disability.
 - b. The USDA "And Justice for All" poster (Form AD-475C) must be prominently displayed at all sites during certification and USDA Food distribution.
 - c. The current USDA nondiscrimination statement should be included, in full, on all materials that are produced about the program for public information, public education, or public distribution. This includes agency websites.
 - d. The current USDA Non-discrimination Statement can be found at http://www.michigan.gov/mde/0,4615,7-140-43092_61446---,00.html
2. Civil Rights Training for Staff and Volunteers:
 - a. Local agencies must comply with USDA's regulations regarding nondiscrimination and with the provisions of FNS Instruction 113-1.
 - b. Annual civil rights training for staff and volunteers is mandatory. Specific requirements and guidance for training staff and volunteers may be found at <http://www.fns.usda.gov/civil-rights>
 - c. Annual training must be clearly documented and include the date of the training, materials covered, and sign-in sheets as proof of attendance.

3. Civil Rights Complaints - Those wishing to file a Civil Rights discrimination complaint of can do so here:
http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or can call (866)632-9992 to request the form.
4. American Disabilities Act (ADA) – Under Title III, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations. More information about the ADA can be found here:
<http://www.ada.gov/pubs/ada.htm>

Section 7: Financial Management

A. Administrative Funding

Administrative funding is awarded to agencies for the storage, handling, and distribution of donated food. Funds awarded may be used for the below listed items and activities. A funding formula approved by State Board of Education is used to allocate administrative funds to the twenty-eight (28) Community Action Agencies (CAAs) and the Food Bank Council of Michigan (FBCM).

B. Allowable Expenditures

Agencies are reimbursed based on the dollars made available by USDA and as justified by costs. As indicated in USDA regulation 7 CFR, Part 251.8, allowable costs include:

1. Advertising - The cost of advertising for the purpose of public outreach of distribution sites and schedules is allowable.
2. Building Rental/Utilities - The cost of rental facilities for office space and/or food storage associated with donated food distribution and storage is allowable. Additionally, the cost of utilities, pest control, and janitorial services used in the operation of the program is also allowable. Facilities rental and costs associated with utilities, pest control, and janitorial services must meet criteria outlined in contract and the cost of each shall be prorated in direct proportion to the space being utilized.
3. Accounting – The cost of establishing and maintaining an accounting system and well as the cost of an independent audit are allowable.
4. Equipment – The cost of equipment necessary to perform donated food distribution is allowable when preapproved by MDE. Materials and office supplies including but not limited to postage and printing are allowable as long as they are directly related to the donated food program. Approval by MDE is required for any equipment or repairs costing more than \$5,000.
5. Insurance Expenses – The cost of insurance coverage for the donated food program is allowable.
6. Compensation for Personnel – Salaries and fringe benefits for employees directly involved with TEFAP are allowed to receive reasonable compensation that is prorated in the direct proportion to the percentage of time spent involved with the donated food program. Any expenditure for personnel services must be supported by records of payment as well as time and attendance records. These records must be available for examination including the number of employees, salary amount, and time involved in activities directly attributing the TEFAP program. Employee compensation should be comparable to similar work in the area labor market.
7. Transportation – Expenses for freight, cartage, or delivery directly associated to the handling of donated food are allowable.

8. Training and Education – In service training and meetings of agency personnel and volunteers is allowable as long as it directly benefits to the donated food program.
9. Travel –Program related travel for volunteers and staff is allowable at the agencies prevailing rate of reimbursement.

Section 8: Reference Information

A. Reference Information/ Sample Forms

The following items are available on the MDE Food Distribution website found here: www.michigan.gov/mde-fdp

1. TEFAP Application-Agreement
2. Current TEFAP Income Guidelines
3. Current TEFAP Directory
4. USDA Foods Complaint Form
5. Average Price File for TEFAP USDA Foods
6. TEFAP Distribution Report
7. USDA Foods Fact Sheets
8. Losses/Gains Report Form
9. Disposal Authorization Form
10. Civil Rights Complaint Form
11. Civil Rights Training Information
12. Sample Self Declaration Form
13. Sample Food Transfer Form
14. Sample TEFAP Agency Review Form
15. Sample Pantry Agreement