

**Food Distribution Program on Indian Reservations (FDPIR):  
Self-Determination Demonstration Project for Tribal Organizations**

Main Changes to Criteria

	<b>TRIBAL REQUEST/QUESTION</b>	<b>OGC LEGAL READ + FNS RESPONSE</b>	<b>ORIGINAL</b>	<b>REVISION</b>
1.	Remove limitation on the number of Tribal Organizations that could be selected	OGC: N/A  FNS: Okay to remove limit. This limit was initially included based on feedback from BIA that we should be specific on the number of awards we would make.	Page 1, paragraph 2:  “FNS seeks to award contracts up to \$1.5M (based on the enacted level of appropriations for this purpose) to at least two eligible Tribal Organizations but not more than five that meet the criteria.”	Page 1, paragraph 2:  “FNS seeks to award contracts up to \$1.5M (based on the enacted level of appropriations for this purpose) to at least two eligible Tribal Organizations that meet the criteria.”
2.	Nevada State agency asked if State agencies that administer FDPIR on behalf of Tribes are eligible to participate in the demonstration project.	OGC: No, a State agency that administers FDPIR is ineligible per ISDEAA and Section 4003(b)(2) of the Farm Bill. However, a Tribal Organization that has an agreement with a State agency to operate FDPIR would be eligible to participate in the demonstration project.  FNS: Clarified criteria to allow Tribes that operate FDPIR under a State agreement can participate.	Page 1, Tribal Organization Eligibility Criteria:  “Tribal Organization must be the administering agency for FDPIR.”	Page 1, Tribal Organization Eligibility Criteria:  “Tribal Organization must operate FDPIR at the time a contract proposal is due, either in direct agreement with FNS or in agreement with a State Agency. The contract agreement will be between FNS and the Tribal Organization that administers all or part of FDPIR.”
3.	Remove Tribal Resolution requirement. Navajo Nation noted the lengthy time it takes to get a Tribal Resolution from Tribal Council.	OGC: A Tribal Resolution is required. The Farm Bill defines self-determination contracts per section 4 of the ISDEAA,	Page 1, Tribal Organization Eligibility Criteria:  “Tribal Organization must provide a Tribal Resolution to	Page 1, Tribal Organization Eligibility Criteria:  “Prior to contract negotiations, a Tribal Organization must

	TRIBAL REQUEST/QUESTION	OGC LEGAL READ + FNS RESPONSE	ORIGINAL	REVISION
		<p>which requires this resolution to enter in to 638 contracts.</p> <p>FNS: Retained Tribal Resolution requirements and added flexibility to allow for more time for Tribe to submit resolution with contract proposal.</p>	<p>enter into a 638 contract with its application denoting authorization to administer the FDPIR program.”</p> <p>Page 2, Required Contract Proposal Contents:</p> <p>“Authorizing Resolution from the Tribal Council”</p>	<p>provide a Tribal Resolution to enter into a 638 contract denoting authorization to participate in this demonstration project.”</p> <p>Page 2, Required Contract Proposal Contents:</p> <p>“Authorizing Tribal Resolution from the Tribal Council or statement affirming Tribal Resolution has been requested to Tribal Council and will be submitted prior to contract negotiations.”</p>
4.	Tribal community raised concerns on the ineligibility of traditional foods offered above the FDPIR Guide Rate (bonus).	<p>OGC: NA</p> <p>FNS: Revised criteria to allow for all foods currently offered as part of the FDPIR food package to be eligible to be supplanted, including foods offered intermittently like traditional foods.</p>	<p>Page 2, Agriculture Commodity Criteria/Statement of Work Contents:</p> <p>“Only foods offered as regular items in the FDPIR food package may be supplanted. Foods offered under the Trade Mitigation Program or fair shared above the FDPIR Guide Rate are not eligible.”</p>	<p>Page 2, Agriculture Commodity Criteria/Statement of Work Contents:</p> <p>“All foods currently offered by USDA for the FDPIR program, including foods offered intermittently (e.g., traditional foods, bonus, Trade Mitigation Program), are eligible to be supplanted if proposed by the Tribal Organization as long as the food meets the criteria under this section.”</p>

	<b>TRIBAL REQUEST/QUESTION</b>	<b>OGC LEGAL READ + FNS RESPONSE</b>	<b>ORIGINAL</b>	<b>REVISION</b>
5.	Tribes asked how nutritional value would be assessed.	<p>OGC: NA</p> <p>FNS: Added program fact sheet information on nutritional value of existing FDPIR foods.</p>	<p>Page 2, Agriculture Commodity Criteria/Statement of Work Contents:</p> <p>“Description of nutritional value of selected food(s), and explanation of how the food(s) are of equal or higher nutritional value than the replacement food(s).”</p>	<p>Page 2, Agriculture Commodity Criteria/Statement of Work Contents:</p> <p>Added – “For product information, including nutritional value of existing USDA Foods offered in the FDPIR food package, please see: <a href="https://www.fns.usda.gov/usda-foods/household-product-information-sheets-and-recipes">https://www.fns.usda.gov/usda-foods/household-product-information-sheets-and-recipes</a>.”</p>
6.	Tribal community asked for definition of qualified vendor.	<p>OGC: NA</p> <p>FNS: Revised language to offer more clarification on vendor selling commercially and offering foods that are 100 percent domestically produced.</p>	<p>Page 3, Supporting Documents:</p> <p>“Letters of Support from qualified vendors.”</p>	<p>Page 3, Supporting Documents:</p> <p>“Letter(s) of Support from vendor(s) which will supply the food(s). Letter(s) should certify that vendor(s):</p> <ul style="list-style-type: none"> <li>• Sells food(s) commercially; and</li> <li>• Offers food(s) that are 100 percent U.S. domestically produced.”</li> </ul>