

HANDOUT: DRAFT CRITERIA FOR FDPIR SELF-DETERMINATION DEMONSTRATION PROJECT

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

Section 4003(b) of the Agriculture Improvement Act of 2018 (P.L. 115-334, the 2018 Farm Bill) establishes a demonstration project for one or more Tribal Organization(s) (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) that administer the Food Distribution Program on Indian Reservations (FDPIR) to enter into self-determination contracts to purchase USDA Foods for their Tribe. USDA received \$3.0M to support this demonstration project through the Further Consolidated Appropriations Act of 2020 (P. L. 116-94).

The Food and Nutrition Service (FNS) seeks to enter into P.L. 93-638 self-determination contracts (638 contracts), as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), with at least two Tribal Organizations (ITOs) that administer FDPIR. 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 established below.

I. Interested Tribal Organizations are encouraged to submit a Contract Proposal to FNS. The Contract Proposal must include information and verification of the following criteria:

A. Eligibility – Tribal Organization Criteria

1. 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.
 2. Prior to contract negotiations, a Tribal Organization must provide a Tribal Resolution to enter into a 638 contract denoting authorization to participate in this demonstration project.
- Tribal Organization must demonstrate success in administering FDPIR. FNS will evaluate this based on the following:
 1. Tribal Organization must have a current Plan of Operation on file that meets the regulatory requirements of 7 CFR Part 253;
 2. Tribal Organization must be in compliance with regulatory inventory storage and inventory management requirements at 7 CFR 250.12; and
 3. Tribal Organization must have no outstanding financial or inventory-related FNS management evaluation findings. If a management evaluation has not been conducted within the last 3 years, a copy of the FY 2019 Tribal audit report must be submitted.
 - Tribal Organization must have capacity to purchase agricultural commodities meeting all the criteria under I.B. below.
 - Tribal Organization must provide a budget proposal and narrative with all associated costs that will be carried out under the contract. Budget proposal may not exceed \$1.5M.
 - Tribal Organization must submit its complete contract proposal by the published due date.

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B. Eligibility – Agricultural Commodity Criteria

- Tribal Organization must provide a Statement of Work with a description of the food or foods it intends to purchase under this contract. The Statement of Work must include the following:
 1. Description of the available food(s) proposed for purchase and inclusion in the food distribution program.
 - Tribal Organization must include documentation that the selected food(s) are commercially available (i.e., presently being sold to the public).
 - Tribal Organization may also identify and describe additional available food(s) that the Tribal Organization could purchase and incorporate into the food package, if its first choice of selected food(s) are unavailable for purchase during the contract period or deemed to be incompatible with the food distribution program.
 2. Attestation that the selected food(s) is domestically grown in the U.S.
 3. Identification of current FDPIR food package item(s) the Tribal Organization intends to supplant (i.e., replace) from the food package. 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.
 4. Description of nutritional value of food(s) the tribal organization will provide, and explanation of how the food(s) are of equal or higher nutritional value than the replacement food(s). For product information, including nutritional value of existing USDA Foods offered in the FDPIR food package, please see: <https://www.fns.usda.gov/usda-foods/household-product-information-sheets-and-recipes>.
 5. Capacity to obtain the selected food(s) in a quantity that meets estimated participant demand based on estimated caseload.
 6. Estimated number of months selected food(s) will be distributed. A minimum six (6) month distribution is required (consecutive or non-consecutive).

II. Contract Proposal Elements (FNS to create a template based on Indian Self-Determination implementation regulations Contract Proposal Contents 25 CFR –Subpart C § 900.8):

A. Contract Proposal

- Tribal Organization’s full name, address and telephone number
- Copy of signed Federal-State Agreement (FNS-74) with FNS or of signed agreement with the FDPIR State agency.
- Copy of current FDPIR Plan of Operation
- Copy of last FNS FDPIR management evaluation within the last three (3) years or, if not available, copy of FY 2019 Tribal audit report.
- An authorizing Tribal Resolution from the Tribal Council or a statement affirming Tribal Resolution has been requested to Tribal Council and will be submitted prior to contract negotiations.

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- Statement of Work
 1. Description of capacity to purchase food(s) (I. A. above).
 2. Description of food or foods selected for demonstration project (I. B. above).
- Budget
 1. Narrative of amount of funds requested
 2. Cost allocations
 - Food purchases
 - Personnel
 - Equipment
 - Materials and supplies
 - Travel
 - Other appropriate line item costs
- Period of Performance
 1. Proposed starting date and term of contract. Minimum one (1) year required.
- Reporting Requirements
 1. FNS to confirm if inventory and distribution management of the selected foods can be handled in AIS or IFMS system. If not, then monthly inventory reports of the selected food must be provided to FNS.
 2. Quarterly Financial Statement (SF-425 but submitted outside of FPRS).
- Fund Distribution
 1. ASAP.gov
 2. Request of funds: lump sum, quarterly payments, monthly payments, or as needed.
- Supporting Documents
 1. Letter(s) of Support from vendor(s) which will supply the food(s). Letter(s) should certify that vendor(s):
 - Sells food(s) commercially; and
 - Offers food(s) that are 100 percent U.S. domestically produced.