

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 but not more than five 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

- Tribal Organization must be the administering agency for FDPIR. The contract agreement will be between FNS and the Tribal Organization that administers FDPIR.
- Tribal Organization must provide a Tribal Resolution to enter into a 638 contract with its application denoting authorization to administer the FDPIR program.
- 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 have submitted all required monthly and quarterly reports on time during the preceding year (see 7 CFR 253.5(h));
 3. Tribal Organization must be in compliance with regulatory inventory storage and inventory management requirements at 7 CFR 250.12;
 4. Tribal Organization must have no outstanding management evaluation findings;
 5. Tribal Organization must have no significant issues in the last Tribal audit report.
- 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 application by the published due date.

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:

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1. Selection and 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 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. Indication of food(s) the Tribal Organization intends to supplant from the food package.
 - 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.
4. 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).
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 Federal-State Agreement with FNS
- Copy of current FDPIR Plan of Operation
- Copy of last FDPIR management evaluation within the last three (3) years, or copy of FY 2019 Tribal audit report.
- Authorizing Resolution from the Tribal Council
- 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

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- Period of Performance
 1. Proposed starting date and term of contract
- 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. Letters of Support from qualified vendors

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