



## Summer Food Service Program Questions And Answers- Revised

### Purpose

This guidance updates previously issued Questions and Answers to clarify Summer Food Service Program (SFSP) requirements, as found in 7 CFR Part 225, FNS Instruction 796-4, and other official Federal Program guidance. It supersedes SFSP 05-2017, *Summer Food Service Program Questions and Answers - Revised* (September 28, 2023).

### Legal Authority

SFSP 05-2017

## Questions and Answers

### Summer Food Service Program

#### A. Site Eligibility

##### 1. What is the difference between an open and a restricted open site?

Open sites are those where meals are made available to *all* children in the area on a first come, first served basis. Both open and restricted open sites must serve children in geographical areas where 50 percent or more of the children are eligible for free or reduced price school meals. This percentage must be documented by data provided by public or nonprofit private school officials, census data, welfare or education agencies, zoning commissions, or other appropriate sources

[SP 08-2017, CACFP 04-2017, SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>].

An open site becomes a restricted open site when a sponsor chooses to restrict or limit the

site's attendance for reasons of security, safety, or control. A site that would normally be approved as a traditional open site may not be approved as a restricted open site as a matter of preference or convenience; the sponsor must demonstrate to the satisfaction of the State agency that a legitimate reason exists to limit access to the site [7 CFR 225.2].

## **2. What is a closed enrolled site?**

Closed enrolled sites serve only an identified group of children enrolled at the site. To qualify as a closed enrolled site, at least 50 percent of the enrolled children must be from households that meet the income eligibility guidelines for free and reduced price meals. Sponsors can document an enrolled site's eligibility by:

- Obtaining lists by names and eligibility status of enrolled children for free and reduced price meals from schools where the children receive meals under the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). Parental consent forms are not required in order for the local school food authority (SFA) to provide this information to SFSP sponsors;
- Asking the parent or guardian of each enrolled child to complete an income eligibility form;
- Using school data to establish area eligibility for the site, rather than using the income eligibility form; or
- Using census data to establish area eligibility for the site, rather than using the income eligibility form.

## **3. What standards should be used in determining whether SFSP open sites are too close in proximity?**

When evaluating proposed SFSP sites, the State agency must ensure that the area the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal [7 CFR 225.6(h)(1)(ii)].

States have discretion, therefore, in determining whether sites are targeting the same area or children. To support access to summer meals, it may be appropriate for States to allow sites in relatively close physical proximity to operate in the community, each serving its own participants. Sponsors should be able to explain why differences in the population of children they intend to serve require multiple sites in close proximity. For example, an open site at an elementary school may attract primarily young children, while an open site at a nearby teen center may attract primarily teens. Therefore, the State may determine that, even though these sites are in relatively close physical proximity, they attract different groups of children who may not be otherwise served.

Sites also may be close in proximity but separated by a physical barrier that limits access. For example, sites located on opposite sides of a busy highway may be close in proximity, but access to the sites is restricted due to inability of the children to safely cross the highway. The State may determine that the sites are serving different children based on the physical

conditions that restrict access. Additionally, sites located in close proximity may be required to have the same meal times or shorter meal times to avoid the possibility of children traveling from one site to another.

**4. When using school data to determine area eligibility for SFSP, is there a particular month that sponsors must reference?**

For purposes of the SFSP, areas in which poor economic conditions exist are those geographic areas where at least 50 percent of the children are eligible for free or reduced price school meals under the NSLP and the SBP [7 CFR 225.2].

To minimize administrative burden on the NSLP State agency, SFSP State agencies should use the data that is reported by the NSLP State agency for use in the Child and Adult Care Food Program (CACFP). While SFSP regulations do not require State agencies to designate the use of school data from one particular month, FNS encourages using school data from the month designated for CACFP, which is usually October. However, at the discretion of the SFSP State agency, data from a more recent month may be used if the data would establish area eligibility for an otherwise ineligible site.

For more information about area eligibility determinations, see SP 08-2017, CACFP 04- 2017, SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>.

**5. In determining area eligibility, may eligibility be based on NSLP participation rates or must it be based only on enrollment data?**

When relying on NSLP data, area eligibility must be based on the percentage of enrolled students eligible for free or reduced price meals, not on participation data. NSLP enrollment data generate the percentage of students eligible for free or reduced price meals based on the entire school population. The expectation is that the school enrollment data will reflect economic characteristics similar to that of the community from which the student population is drawn. Participation data, on the other hand, consider only the children who participate in the NSLP, resulting in a less complete and accurate snapshot of the economic characteristics of the school, and therefore the surrounding community.

**6. When determining area eligibility of a school, can the percentage of children eligible for free or reduced price school meals at another school in the same attendance area be used?**

Yes. If a high school with less than 50 percent free or reduced price school enrollment is located in the attendance area of a middle school where 50 percent or more of the enrolled children are eligible for free or reduced price meals, for example, the high school would be area eligible.

**7. How do you determine a site's area eligibility in cases where children regularly attend schools outside a designated area, for example, where there is busing or school choice?**

In cases of school sites, the use of school data would typically be permissible. In other cases, it is best to refer to SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, for specific guidance on this issue: <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition->

[programs.](#)

## **B. Sponsor or Site Approval**

### **1. May a traditional institution that participates in CACFP during the school year switch to the SFSP for the summer?**

Generally, traditional institutions and facilities that participate in CACFP (i.e., child care centers and day care homes) may not claim reimbursement under SFSP [7 CFR 225.15(a)(2)]. However, CACFP institutions that have substantial changes in activities or enrollment, or who develop a separate food service program for children who are not enrolled in the CACFP, and meet SFSP eligibility criteria, may be approved to participate in the SFSP. Institutions may not switch back and forth between participation in CACFP and participation in SFSP to serve the same children.

Institutions that are approved for both the CACFP and the SFSP must ensure that the same children are not served meals in both programs, and separate records must be kept for each program [FNS Instruction 782-4, Revision 2].

### **2. Are there any restrictions on Afterschool Programs switching from the At-Risk Afterschool Meals component of the CACFP during the school year to SFSP during the summer when school is not in session?**

Generally, organizations that serve meals or snacks to children only through the At-Risk Afterschool Meals component of CACFP during the school year may serve meals to all children age 18 and under through SFSP during the summer months, subject to approval of their SFSP application by the State agency. For more information on streamlined participation requirements for CACFP institutions in good standing, see SFSP 06-2014: *Available Flexibilities for CACFP At-risk Sponsors and Centers Transitioning to Summer Food Service Program*, November 12, 2013, at <https://www.fns.usda.gov/cn/available-flexibilities-cacfp-risk-sponsors-and-centers-transitioning-summer-food-service-program> and SFSP 10-2023: *Best Practices for Streamlining Applications for Year-Round Program Operations*, June 12, 2023, at <https://www.fns.usda.gov/cn/cacfp-sfsp-best-practices-streamlining-applications>.

However, a traditional child care center that also serves At-Risk Afterschool meals or snacks (e.g., the center has enrolled pre-school children in care during the day but also serves At-Risk Afterschool meals or snacks to school-age children) may receive reimbursement under SFSP during the summer only for meals served to children who participate in the Afterschool Program during the school year. See Question B1 above for information regarding eligibility of the traditional child care component.

### **3. What is the NSLP Seamless Summer Option and how do the requirements differ from SFSP?**

The NSLP Seamless Summer Option (SSO) offers a streamlined approach to feeding children in the summer. SFAs participating in the NSLP and SBP may offer meals through the SSO. Once approved, schools located in eligible areas may serve free meals to children, age 18 years and under. The same NSLP and SBP rules apply to meal services provided through the SSO. Meals served under the SSO are reimbursed at the “free” rates prescribed by the Department of

Agriculture (USDA) for school meals and snacks served through NSLP and SBP. Suppers are reimbursed at the NSLP free rate.

At camps operating the SSO, as well as camps operating under SFSP, only those meals served to children who are eligible for free or reduced price school meals are eligible for reimbursement at the free rate. Meals served to children who are ineligible for free or reduced price meals are not reimbursable.

In both the SSO and the SFSP, sites must be located within the attendance area of a school where at least 50 percent of the children are eligible for free or reduced price school meals in order to qualify as area eligible. For more information about summer feeding options for schools, visit <https://www.fns.usda.gov/cn/opportunity-schools>. Please also refer to the 2017 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option, <https://www.fns.usda.gov/cn/2017-edition-questions-and-answers-national-school-lunch-programs-seamless-summer-option>.

#### **4. Under what circumstances may summer schools participate in SFSP?**

Sponsors that administer SFSP at sites where an accredited summer school is in session must ensure that these sites are open to all children residing in the school attendance area served by the site, in addition to the children enrolled in the summer school program [7 CFR 225.14(d)(2)].

If the accredited summer school site is not open to the children of the community but provides meals only to enrolled summer school students, the site is not eligible to receive reimbursement for meals through SFSP or SSO. The NSLP and SBP are available to any school that hosts an academic summer school where access to meal services is limited to children enrolled in the summer school program. To compare these options, refer to the following chart at [https://fns-prod.azureedge.us/sites/default/files/SFSP\\_SeamlessComparisonChart.pdf](https://fns-prod.azureedge.us/sites/default/files/SFSP_SeamlessComparisonChart.pdf).

#### **5. Is there a required number of children who must attend a site in order for the site to be approved to participate?**

While there is no minimum requirement of child attendance at an SFSP site, it is important that a sponsor adequately evaluate the needs of an area it hopes to serve prior to finalizing site operations. Adequate Program planning requires an accurate estimate of the number of children that will be served so that the total potential reimbursement can be calculated. For new sites, sponsors can estimate the potential number of participating children by contacting schools and other organizations in the area to determine the number of children within a short walking distance to the site.

#### **6. How many sites may a sponsor be approved to operate?**

All sponsors may be approved to operate a maximum of 200 sites and serve a maximum total average daily attendance of 50,000 children. However, sponsors must demonstrate financial and administrative capability for Program operations for all sites at which they propose to conduct a food service. The State agency has the authority to limit the number of sites for a sponsor if Program requirements outlined in 7 CFR 225.14(c) are not met to the satisfaction of the State

agency. Exceptions to these limits may be approved by the State agency if the sponsor can demonstrate that it has the capability to manage a larger program.

### **7. May a site have two separate meal services operated by two different sponsors?**

Meal services may be operated by different sponsors at a site; however, the site may not exceed the maximum number of meals allowed under the regulations [7 CFR 225.16(b)]. For example, if a sponsor is approved to serve only lunch at a site, a different sponsor may be approved to serve breakfast or a snack at the same site, as long as the total number and type of meal services served at the site do not exceed the maximum allowed under the regulations.

## **C. Financial Management**

### **1. If an SFSP site is administered by a nonprofit organization, does it automatically meet the requirement to conduct a nonprofit food service under SFSP?**

The purpose of the SFSP is to assist States in conducting nonprofit food service programs for children during the summer months and at other approved times [7 CFR 225.1 and 7 CFR 225.6(i)(1)]. The Program sponsor's status as public or private nonprofit cannot be used as evidence that the Program sponsor is operating a nonprofit food service. Nonprofit status is determined by the scope of the food service activities conducted and the use of the food service revenues. A sponsor is operating a nonprofit food service if the food service operations are principally for the benefit of participating children and all of the Program reimbursement funds are used solely for the operation or improvement of such food service. All sponsors must maintain records and supporting documentation to permit reviewers to evaluate and verify that the SFSP meal service was operated on a nonprofit basis.

### **2. Are private nonprofit organizations required to have Internal Revenue Service (IRS) tax-exempt status in order to be eligible to participate in the SFSP?**

Yes. Private nonprofit sponsors must have tax-exempt status under the Internal Revenue Code of 1986 in order to be eligible to participate in the SFSP [7 CFR 225.2]. Sponsors should be aware that failure to comply with the IRS filing requirements for tax-exempt organizations may result in the revocation of an organization's tax-exempt status. State agencies must determine a private nonprofit organization's tax-exempt status annually [7 CFR 225.14(b)(5)]. State agencies should check the IRS Automatic Revocation of Exemption List to make determinations. For specific guidance on reviewing the nonprofit status of organizations applying to participate in the SFSP, refer to SFSP 04-2017, *Automatic Revocation of Tax-Exempt Status – Revised*, December 1, 2016, available at <https://www.fns.usda.gov/sfsp/automatic-revocation-tax-exempt-status%E2%80%93revised>.

### **3. May a CACFP sponsor establish a separate organization using a separate tax identification number to participate in the SFSP?**

CACFP sponsors may not establish separate entities using separate tax identification numbers to serve the same children under different Child Nutrition Programs in order to avoid Program restrictions or to earn higher reimbursement. However, if there is a legitimate need for a separate

organization and that organization has sufficient differences in activities and management, and serves children who are not enrolled in the CACFP, it may be approved to participate in SFSP if it meets SFSP eligibility criteria. This will generally apply to organizations participating in the At-Risk Afterschool Meals component of the CACFP. The organizations must ensure that the same children are not served meals in both Programs and keep separate records for each Program [FNS Instruction 782-4, Revision 2].

#### **4. Are nonprofit food service programs required to break even or maintain a negative account balance?**

Managing a nonprofit food service does not require that a sponsor break even or operate at a loss. The nonprofit compliance is determined by the use of the nonprofit food service revenues. All income to the Program must be retained and used for the sole purpose of operating a nonprofit food service. The sponsor is limited to allocating costs to the Program for allowable expenses of serving meals to eligible participants.

#### **5. Must a sponsor maintain SFSP funds in a separate account?**

No. Sponsors are not required to maintain SFSP funds in a separate account. However, sponsors must be able to account for the receipt, obligation, and expenditure of all SFSP funds [2 CFR 200.305(b)(7)(i)]. When a sponsor's total food service is not conducted principally for the benefit of its own SFSP participants, the non-Program and Program components of the food service operation must be tracked separately. Through this separation, the sponsor must ensure that the nonprofit food service Program component does not support any non-Program food service activities, such as vending or catering operations or adult meal services.

Unallowable support occurs when non-Program costs are assigned to the nonprofit food service or when Program revenues are used for unallowable expenses or not retained for use in the nonprofit food service. The sponsor must maintain accounting records documenting proper cost allocation between the Program and non-Program components of its food service operation. The State agency must ensure through the review process that all SFSP reimbursements are used solely for conducting nonprofit food service operations. If the sponsor operates more than one Child Nutrition Program, SFSP reimbursements may be used for allowable costs relating to any of the Child Nutrition Programs.

#### **6. How should a State agency respond if it determines that a sponsor is using funds improperly?**

If a State agency finds that a sponsor is using funds for expenses that are not allowable under any of the Child Nutrition Program operated by the sponsor, it must require corrective action. If funds were used for unallowable costs, the State should require the sponsor to replenish the funds to the Program. It should be emphasized that USDA funds may not be used to restore funds used for unallowable costs, but funds must come from another source. If the sponsor is found to be seriously deficient and does not take appropriate corrective action, the State agency may consider termination of the agreement with the sponsor and recover funds used for unallowable costs [7 CFR 225.11].

#### **7. If reimbursements are made based on "meals times rates" how does a State have authority to**

### **collect funds that were used improperly?**

Under the simplified cost accounting in summer program guidance, reimbursements are now based on meals times rates; however, sponsors still must comply with Program requirements. This means that the sponsor must operate a nonprofit food service, must use Program funds only for allowable expenses, and must comply with all Program regulations and policy guidance [7 CFR 225.14].

Sponsors that violate Program requirements may be assessed an overclaim if meal claims were determined to be inaccurate. Additionally, where it is determined that Program funds were used for an unallowable expense, sponsors may be required to repay the portion of the reimbursement that was attributable to the Program violation. Requiring a sponsor to repay Program funds is an appealable action [7 CFR 225.13].

### **8. If sponsors do not have to submit documentation of their costs to the State agency when claiming reimbursement, do they still have to document their expenses?**

The SFSP simplified cost accounting procedures base reimbursements on the number of meals served times the reimbursement rate, without requiring a comparison to actual or budgeted costs. Under this simplified structure, sponsors are no longer required to submit documentation of their costs to the State agency for reimbursement. However, they are still required to maintain documentation indicating that their reimbursements were spent on allowable Child Nutrition Program costs. This documentation must be available for State agency review [SFSP 03-2008, *Simplified Procedures in the Summer Food Service Program*, February 14, 2008, <https://www.fns.usda.gov/sfsp/simplified-procedures>].

SFSP regulations require State agencies to disallow any portion of a claim for reimbursement and recover payments to a sponsor if the sponsor is unable to document that the reimbursement was used for allowable costs. Therefore, if a sponsor lacks required documentation, the State agency must declare the sponsor seriously deficient, require corrective action, and recover the reimbursement [7 CFR 225.12(a)].

### **9. What should the State agency do if sponsors have excessive SFSP fund balances?**

Each State agency must determine what constitutes an excessive nonprofit food service Program balance and monitor the steps a sponsor takes to reduce an excessive balance. The State agency may not reduce future reimbursement payments or recover excess funds as a means of reducing high balances but must ensure sponsors reduce excessive food service account balances through improvements or expansion of the nonprofit food service for Child Nutrition Program participants. The sponsor may not transfer excess funds to non-Program operations or use excess funds to increase salary or fringe benefit costs when the sole purpose of the increase is to reduce a nonprofit food service Program balance.

### **10. Are Program sponsors required to report actual costs to the State agency when submitting a claim?**

Program sponsors are not required to report actual costs when filing a claim for reimbursement,



although sponsors must maintain records for the State agency's review [SFSP 01-2008, *Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures*, January 2, 2008, <http://www.fns.usda.gov/nationwide-expansion-summer-food-service-program-simplified-cost-accounting-procedures>]. The Program sponsor, upon request, must make accounts and records pertaining to the Program available to the State, Federal, or other authorized officials for audit or administrative review.

### **11. How should a State agency calculate advance payments?**

As outlined in 225.9(c), the State Agency must make the best possible estimate based on the sponsor's request and other data available. In addition, the State agency must use the method that provides the higher payment:

1. The total reimbursement paid to the sponsor for the same calendar month in the preceding year; or
2. For vended sponsors, 50 percent of the amount determined by the State agency is needed that month for meals; for self-preparation sponsors, 65 percent of the amount determined by the State agency is needed that month for meals.

As a reminder, the amount of the advanced payment must not exceed the amount estimated by the State agency to be needed by the sponsor to meet Program costs.

### **12. Are sponsors required to maintain production records?**

Some State agencies require sponsors to maintain production records, which include detailed information about how food was purchased, and the specific amounts of foods prepared and served. This is not a Federal requirement and State agencies have been encouraged to reconsider this requirement due to the additional administrative burden it places on sponsors and sites. In lieu of production records, State agencies must require that sponsors maintain records which document that all meal pattern requirements are met. State agency reviewers should review menus, invoices, receipts, and other food service records to ensure meal pattern requirements are met on the day of the review and during the selected review period. However, the State agency must review the meal production facility and meal production documentation that demonstrates reimbursable meals were planned and served by the food service management company from which the sponsor purchases meals for compliance with program requirements as outlined in Program regulations [7 CFR 225.7(i)]. State agencies may not disallow meals that are otherwise reimbursable or assess an overclaim based solely on a State requirement concerning production records [SFSP 14-2011, *Existing Flexibilities in the Summer Food Service Program*, May 9, 2011, <https://www.fns.usda.gov/sfsp/existing-flexibilities-summer-food-service-program>].

### **13. How should a State agency determine whether a sponsor is eligible for an advanced payment?**

The State agency should ensure that a sponsor requesting an advanced payment demonstrates that the financial resources will be used for allowable operating and administrative expenses to provide healthy meals to children. If a sponsor requests an advanced payment in their application,

the State agency must make advanced payments to sponsors that have executed Program agreements as described in 225.9(c).

## **D. Camps**

### **1. What is a nonresidential camp and how is it different from a closed enrolled site?**

In order to participate in SFSP, a nonresidential camp must offer a continuous schedule of organized programming and a meal service for enrolled children [7 CFR 225.2]. The Program should consist of predetermined hours of operation that do not include 24 consecutive hours of care to any one participant.

A nonresidential camp is similar to a closed enrolled site in that it serves an identified group of children and offers an organized program of activities. However, to establish eligibility to receive reimbursement for eligible meals served to all children, closed enrolled sites (along with open and restricted open sites) may use area free or reduced price data for the location of the site or document that at least half of the enrolled children are eligible for free or reduced price meals. Camps, on the other hand, may not use area eligibility data to qualify for reimbursement. Sponsors participating as a nonresidential camp must collect documentation of individual income eligibility for participating children and may be reimbursed only for meals served to eligible children who meet the Program's income standards [7 CFR 225.6(b)(8)].

Additionally, camps may be reimbursed for up to three meals or two meals and one snack per day. Closed enrolled sites, however, may only be reimbursed for up to two meals each day [7 CFR 225.16(b)].

### **2. What is a residential camp?**

A residential camp is one that offers a regularly scheduled food service as part of an organized program for enrolled participants [7 CFR 225.2]. In a residential camp, the same participants spend the duration of the organized program in a 24-hour supervised care setting. Residential camps are a distinct category of eligible service sponsors and are not considered "closed enrolled" sites. In residential camps, all children served meals for which Program reimbursement is claimed must be eligible for free or reduced price meals. (See also answers to questions D6 and D7 below.)

### **3. May a residential or nonresidential camp charge a fee to its participants for meals?**

Meals must be provided at no charge to any eligible child in attendance at the site. Camps may charge non-eligible children a fee for meals [7 CFR 225.6(i)(4)]. As part of the application process, sponsors of camps must submit a statement of nondiscrimination in its policy for serving meals to children. Additionally, camps that charge separately for meals must include:

- A statement that the camp uses the USDA's eligibility standards for family size and income levels at the level of reduced price school meals;
- A description of how the camp accepts income eligibility applications from campers and assures that children whose families receive Supplemental Nutrition Assistance

Program, Food Distribution Program on Indian Reservations, or Temporary Assistance for Needy Families benefits are automatically eligible for free meals;

- A description of how the camp will collect payments from children who must pay the full price for their meals;
- An assurance that the camp has a hearing procedure for families who want to appeal a denial of eligibility for free meals;
- An assurance that, if a family requests a hearing, the child will continue to receive free meals until a decision is made by the hearing official; and
- An assurance that there will be no overt identification of free meal recipients and no discrimination against any child on the basis of race, color, national origin, sex, age, or disability [7 CFR 225.6(f)(1)(iii)].

#### **4. How many meals may camps be reimbursed for serving each day?**

With State agency approval, residential and nonresidential camps may claim reimbursement for serving up to three meals or two meals and one snack to eligible children each day [7 CFR 225.16(b)(1)(i)]. However, a camp may not claim reimbursement for snacks on days that it claims reimbursement for breakfast, lunch, and supper.

Alternatively, a camp may not claim reimbursement for a third meal on days that it claims a snack for reimbursement. If camps are serving different combinations of meals to identified groups of children, they may be reimbursed for three meals and a snack each day. For example, if a morning group at a day camp receives breakfast, lunch, and snack, and an afternoon group receives lunch, snack, and supper, the camp could be reimbursed for all of the meals served as long as individual children are not served more than three meals or two meals and one snack per day.

#### **5. Are there time restrictions that apply to meal services at residential camps?**

No. Residential camps are not required to have one hour lapse between meal service times. Sponsors must continue to establish meal times for each site and provide this information to the State agency. Therefore, when applying to participate in the Program or providing annual updates to Program information, residential camp sponsors must provide the State agency with information regarding the times of the meal service at each site but are not required to ensure that specific time periods elapse between the meal services [7 CFR 225.16 (c)(3)].

#### **6. How must a camp document meal reimbursement eligibility?**

Unlike open, restricted open, and closed enrolled sites, camps may not establish area eligibility. Sponsors of camps are reimbursed only for those meals served to eligible children. Meal reimbursement to camps participating in SFSP is based on the household income of each child participating in the Program. Residential camps may not use area eligibility to determine a child or group of children's eligibility for meals. Documentation of individual eligibility from appropriate sources, such as school data or individual eligibility forms submitted by families of children enrolled to participate at the site, is required prior to site approval [7 CFR 225.6(g)(1)(xi), 7 CFR

225.6(g)(2)(v), and 7 CFR 225.16(b)(1)].

**7. Are camps required to collect income forms for participating children, or may they use certification information from the child's school?**

Camps may use either method. Parents or guardians of children participating in camps or enrolled programs may complete an income eligibility form providing family size and household income data. Based on the income eligibility form, sponsors will make individual eligibility determinations for all enrolled children since camps are reimbursed only for the SFSP meals served to those children eligible for free or reduced price school meals [7 CFR 225.6(b)(8)]. Sponsors of camps must maintain the original approved forms for all eligible children in separate files for each camp session. In addition, the forms must be available for review by the State agency [7 CFR 225.14(d)(1) and 7 CFR 225.16(b)(1)].

A participating SFSP sponsor that is a camp also may consult with a school to use existing free or reduced price lunch certification for individual children [7 CFR 225.15(g)]. The school may provide sponsors certification of individual children's eligibility for free or reduced price meals. The certification must be signed and dated by the appropriate authorizing official. The camp may claim only meals served to children who are certified eligible for free or reduced price meals. For information on categorical eligibility determinations, see SFSP Policy 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 09, 2014, at <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

## **E. Procurement**

**1. What options are available for sponsors who cannot contract with a food service management company (FSMC)?**

Sponsors should work with their State agencies to find viable options for procuring meals. Sponsors can also contact their State Department of Agriculture, the USDA Rural Development office in their State, and other public agencies to identify potential FSMCs.

**2. Which sponsors contracting with a FSMC must use a competitive bid process?**

All contracts must ensure free and open competition. When the contract is \$250,000 or over (or another amount, less than \$250,000, dictated by the State or local government), the sponsor must use formal procurement procedures. For procurements less than \$250,000, the sponsor may use simplified acquisition procedures by directly contacting eligible firms and obtaining at least three quotes; also, purchases less than the micro-purchase threshold (2 CFR 200.320(a)(1)) do not require quotations if the price is considered reasonable and the purchases are equitably distributed among qualified suppliers [2 CFR 200.320(a)(1)(ii)]. In rare cases, after engaging in competitive purchasing procedures, the sponsor may document "sole source" procurement or use noncompetitive proposals.

**3. What protocol must State agencies/sponsors take when there are repeated problems with a FSMC?**

While some State agencies still maintain lists of registered FSMCs, it is no longer a Federal

requirement. In situations where a sponsor has repeated problems with the FSMC (e.g., late deliveries, food not held at safe temperatures, etc.), the sponsor must document the deficiencies in order to justify either terminating the contract or not accepting the FSMC in the future, even when the FSMC has the lowest bid. If the sponsor documents the FSMC as not a “responsible bidder,” and the State agency concurs, the sponsor is not required to contract with that FSMC.

The State agency must respond promptly to complaints concerning FSMC facilities. Complaints must then be followed-up with an inspection of FSMC facilities. Complaints are then documented and reported. If a vendor fails to correct violations noted by the State agency, the State agency must notify the sponsor and the FSMC that reimbursement must not be paid for meals prepared by the vendor after a date specified in the notification.

#### **4. Who does the Super-Circular apply to?**

The Office of Management and Budget (OMB) published the Super-Circular on December 26, 2013. The Super Circular, found at 2 CFR Part 200, replaces 7 CFR Part 3016 and 3019, as well as a number of other Cost Circulars such as A-122 (*Cost Principles for Non-Profit Organizations*) and A-87 (*Cost Principles for State, Local and Indian Tribal Governments*). The regulations apply to awards of Federal financial assistance to all “non-Federal entities” that carry out Federal awards including states, local governments, Indian tribes, institutions of higher education, or nonprofit organizations such as SFSP local Program operators. Regulations at 2 CFR Part 200 apply to all grant funds received after December 26, 2014. For more information related to the Super-Circular, see SFSP 18-2015, *Office of Management and Budget Super-Circular 2 CFR Part 200*, March 18, 2015, at <https://www.fns.usda.gov/cn/office-management-and-budget-super-circular-2cfr-part-200>.

#### **5. How can I purchase local foods?**

There are numerous benefits to serving local foods in Summer Meal Programs, including increased participation, consumption of healthier items, and support of local economies. Sponsors can purchase local foods through fair, open, and competitive procurements, in a variety of ways.

A logical starting point may be for a sponsor to evaluate their current purchases. Some sponsors may be unaware of the local items they are already serving. Sponsors can also communicate to current vendors and potential future vendors regarding their preference for local products. Solicitations may be written with characteristics of products from local sources in mind; for instance, specifying a particular variety of apple that is native to a sponsor’s region or that a product be delivered within 24 or 48 hours of harvest. The desire for local products may be expressed as a *preference* but may not be *required* as a product specification.

For more information regarding local food and related activities in the Summer Meal Programs, refer to SFSP 07-2016 [<https://www.fns.usda.gov/cn/local-foods-and-related-activities-summer-meal-programs-questions-and-answers>]. Additionally, see the U.S. Department of Agriculture (USDA) guide, *Procuring Local Foods for Child Nutrition Programs*, <https://www.fns.usda.gov/f2s/>

[procuring-local-foods](#), for a detailed description of the many ways sponsors can purchase local foods. Note that the Summer Meal Program sponsors must procure all goods and services using the procurement regulations [7 CFR 225.17 and 2 CFR Part 200.317-326].

## **6. Where can I find additional information about procurement requirements?**

For information on soliciting food services from local schools, selecting a FSMC, invitation for bid and contract, competitive bid waivers and standard competitive bid procedures, bid specifications, how to award and administer a contract for food service, and more questions and answers relating to procurement, refer to the *Administrative Guide for Sponsors*, May 23, 2016, at <https://www.fns.usda.gov/sfsp/2016-administrative-guidance-sponsors>. Additionally, refer to SFSP 02-2016, *Questions and Answers on the Transition to and Implementation of 2 CFR Part 200*, October 30, 2015, at <https://www.fns.usda.gov/cn/questions-and-answers-transition-and-implementation-2-cfr-part-200>.

## **F. Program Access**

### **1. Do sponsors have an obligation to ensure that neighborhood children have access to open sites?**

Yes. Sponsors of sites that are open to all children must take the necessary steps to allow children residing in the area served by the site access to the meal service. If a sponsor that would normally operate an open site must restrict the site's attendance (for reasons of security, safety, or control), the sponsor must make it publicly known that the site will be open on a first come, first served basis to all community children and that the meal service will be limited. State agencies may develop procedures requiring sponsors to ensure site access. FNS encourages sponsors of open or restricted open sites to:

- Display banners with service times, including hours of operation and days of meal service, to publicize to the community that meal service sites are open;
- Provide appropriate training to supervisory staff and volunteers so that they understand that community children have equal access to services and facilities at the site;
- Explain the availability of the Program to tenants, security staff, and other clients of the facility where the site is located, so that they allow community children access to the area where the meals are served;
- Announce to children, at each meal service, the time and location of the next available meal service; and
- Work with other local organizations and schools to publicize the Program.

The salaries of site supervisors and security staff are allowable Program costs [2 CFR Part 225.14(c)(4), 2 CFR Part 200.457].

### **2. What should sites do if they unexpectedly run out of meals?**

Sponsors should plan ahead and do their best to ensure every eligible child receives a meal. Make

sure that all children in attendance at the site receive one complete meal before any adult meals are served. Sites should communicate with their sponsoring organization on a regular basis to discuss anticipated attendance and to make adjustments in meal orders. Sponsors should train site supervisors on procedures regarding how and when to adjust meal orders for the next day. Site supervisors should be aware of nearby open sites so they may provide this information, as appropriate, in rare, unavoidable situations where meals are no longer available.

### **3. Are sponsors of closed enrolled sites or camps required to issue a media release?**

Yes. Sponsors of camps and closed enrolled sites are still required to announce the availability of free meals. However, they must only notify participants or enrolled children of the availability of free meals and if a free meal application is needed. [7 CFR 225.15(e)]. The notification to enrolled children must include the following information:

- SFSP Income Eligibility Standards;
- A statement that a foster child and children who are members of households receiving Supplemental Nutrition Assistance Program, Food Distribution Program on Indian Reservations, or Temporary Assistance to Needy Families benefits are automatically eligible to receive free meal benefits at eligible Program sites; and
- A statement that meals are available without regard to race, color, national origin, sex, age, or disability.

Requirements at 7 CFR 225.15(e) also allow State agencies to issue a media release on behalf of all sponsors operating SFSP sites in the State. FNS encourages State agencies to complete this requirement for all sponsors in their State through an all-inclusive statewide media release. For more information, refer to SFSP 07-2013, *Expanding Awareness and Access to Summer Meals*, November 12, 2013, available at <https://www.fns.usda.gov/cn/expanding-awareness-and-access-summer-meals>. A prototype media release can be found in the *Administrative Guide for Sponsors*, Attachment 13, at <https://www.fns.usda.gov/sfsp/2016-administrative-guidance-sponsors>.

### **4. Where can I find more information about the FNS summer demonstration projects?**

There is a webpage on the FNS public website dedicated to the *Summer Food for Children Demonstrations*, at <https://www.fns.usda.gov/ops/summer-food-children-demonstrations>. This webpage provides an overview of each project as well as links to the research reports that have been made available to the public to date. Future research reports also will be posted to this page.

## **Comments**

For questions concerning this memorandum, please contact the Policy Administrator at (404) 651-8193.

