



# CACFP At-Risk: Sponsor-Under-Sponsor and Mandatory Site Validation

**February 21, 2024**

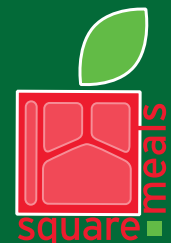
*David Dierksen, Assistant Director for Policy*



TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**

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Food and Nutrition Division  
Child and Adult Care Food Program



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www.SquareMeals.org

# What is “Sponsor Under a Sponsor”?

Occurs when:

- A CE contracts with an unaffiliated organization to manage CACFP At-Risk operations at a specific site; BUT
- The organization signing the site agreement is not affiliated in any way with the site location.

**EXAMPLE:** A sponsor signs the site agreement with ABC Nutrition, who will serve At-Risk meals at Hetfield Apartment Complex. ABC Nutrition has no legal affiliation with Hetfield Apartment Complex, and no one associated with Hetfield Apartment Complex is involved with the CACFP program whatsoever.

# Compliance Issues with Sub-Sponsor Agreements

- Site Agreements are being signed with FSMC/Meal Vendor that is providing food and meal service oversight only (no structured enrichment), circumventing the procurement process.
- Sponsors are signing these agreements and turning all administrative and operational tasks over to the sub-sponsor, resulting in some of the following:
  - Ghost sites
  - Sub-sponsor cutting off operations without notifying the CE, leaving participants and staff at the location confused as to where the meals went.

# TDA Plan to Reduce Unallowable Sites

Establish criteria for allowable unaffiliated At-Risk Sites:

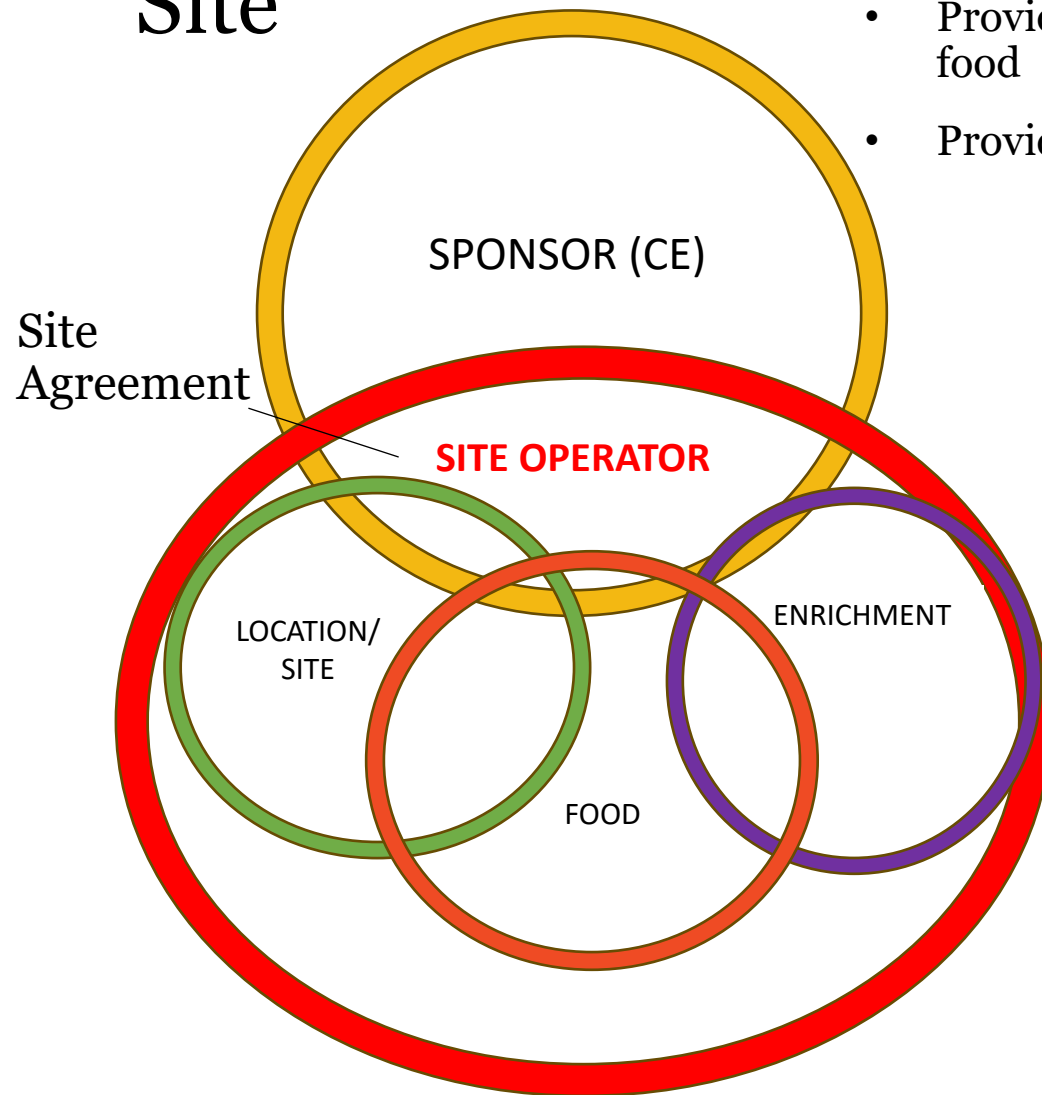
- Organization signing the site agreement must maintain oversight over a comprehensive congregate afterschool program, **including the enrichment**
  - NOTE: Enrichment must be procured with non-Federal funds unless it is tied specifically to the food service itself (for example, a gardening program that grows food to eventually be served in a reimbursable meal)
- If not affiliated with the site location, organization signing the site agreement must have a written MOU with the site location allowing the operation of meal service and an afterschool program.

# Allowable Unaffiliated Site Scenarios

## Standard Unaffiliated Site

### Site Operator

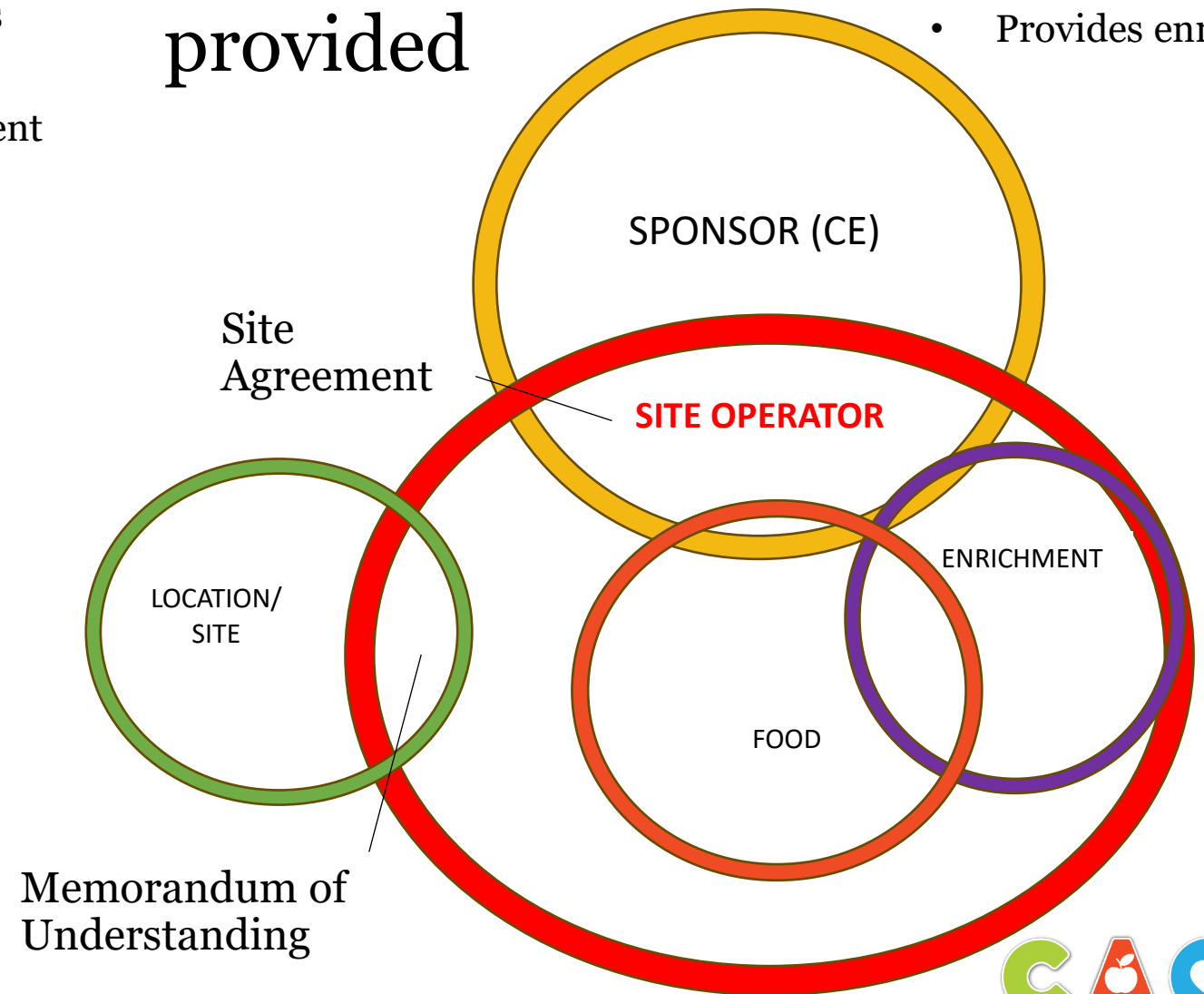
- Affiliated with location
- Provides/procures food
- Provides enrichment



## Sub-sponsor at Unaffiliated Site – Enrichment provided

### Site Operator

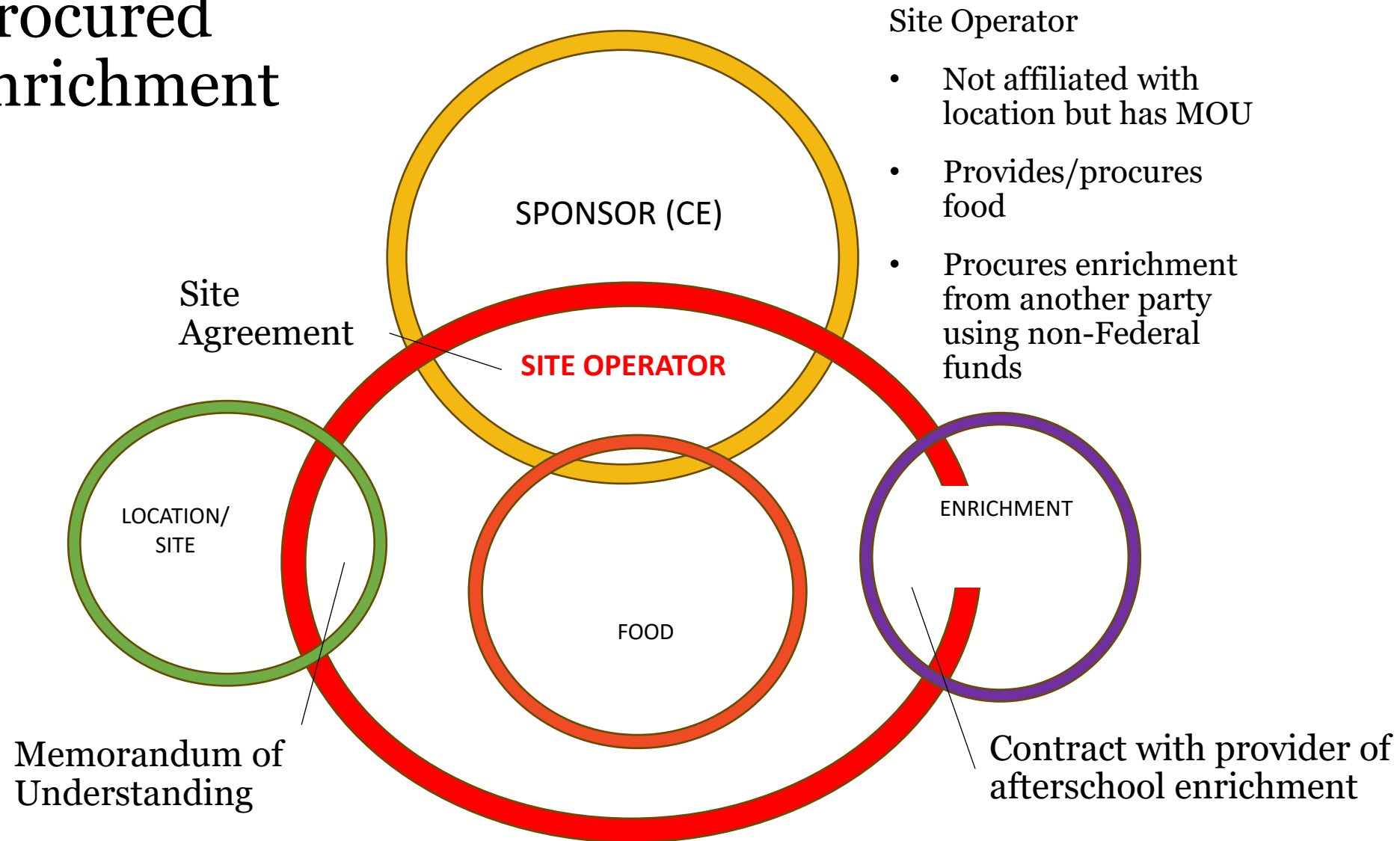
- Not affiliated with location but has MOU
- Provides/procures food
- Provides enrichment





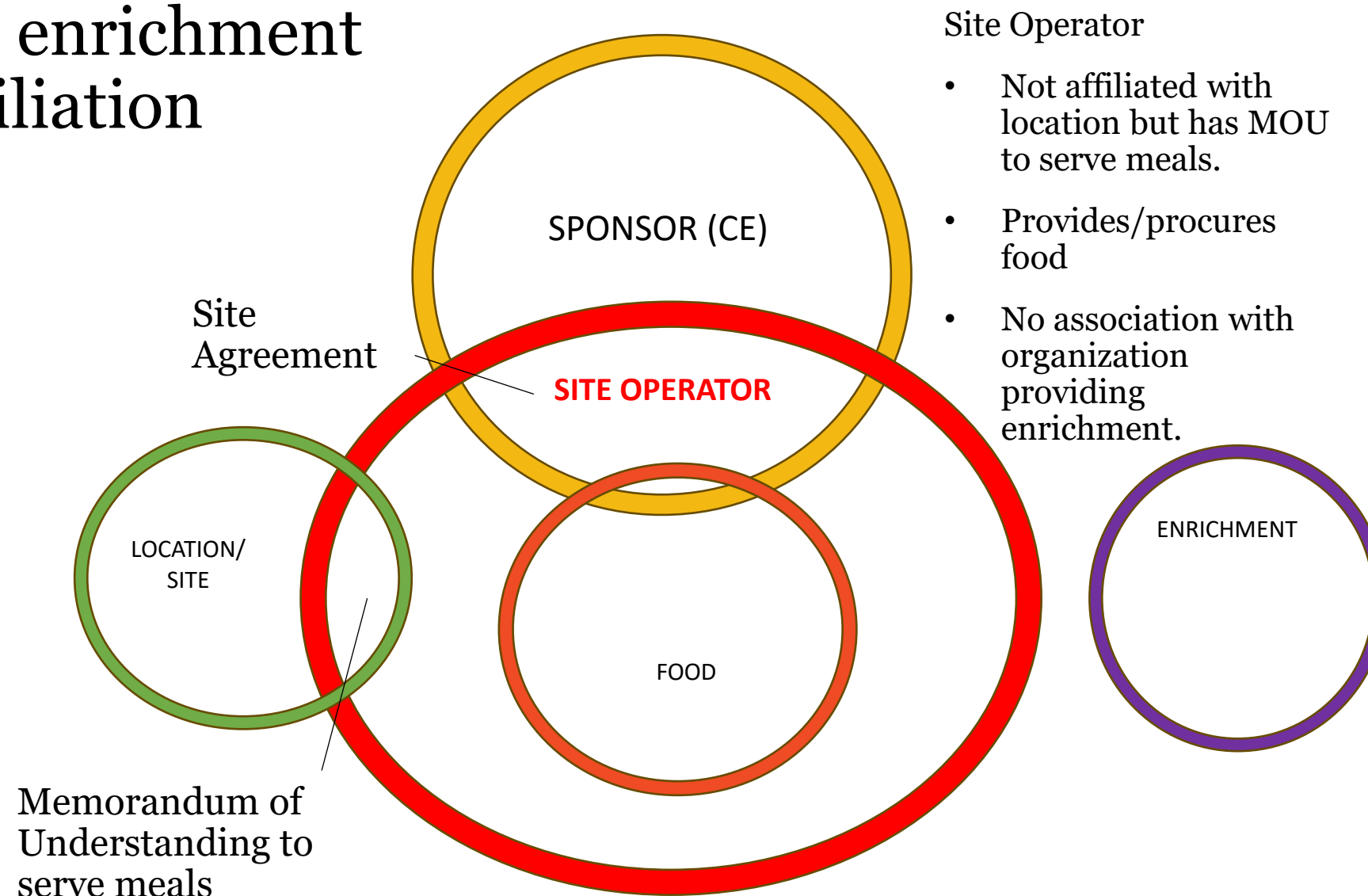
# Allowable Unaffiliated Site Scenarios

## Sub-sponsor at Unaffiliated Site – Procured enrichment



# UNALLOWABLE Unaffiliated Site Scenarios

## Sub-sponsor at Unaffiliated Site – No enrichment affiliation

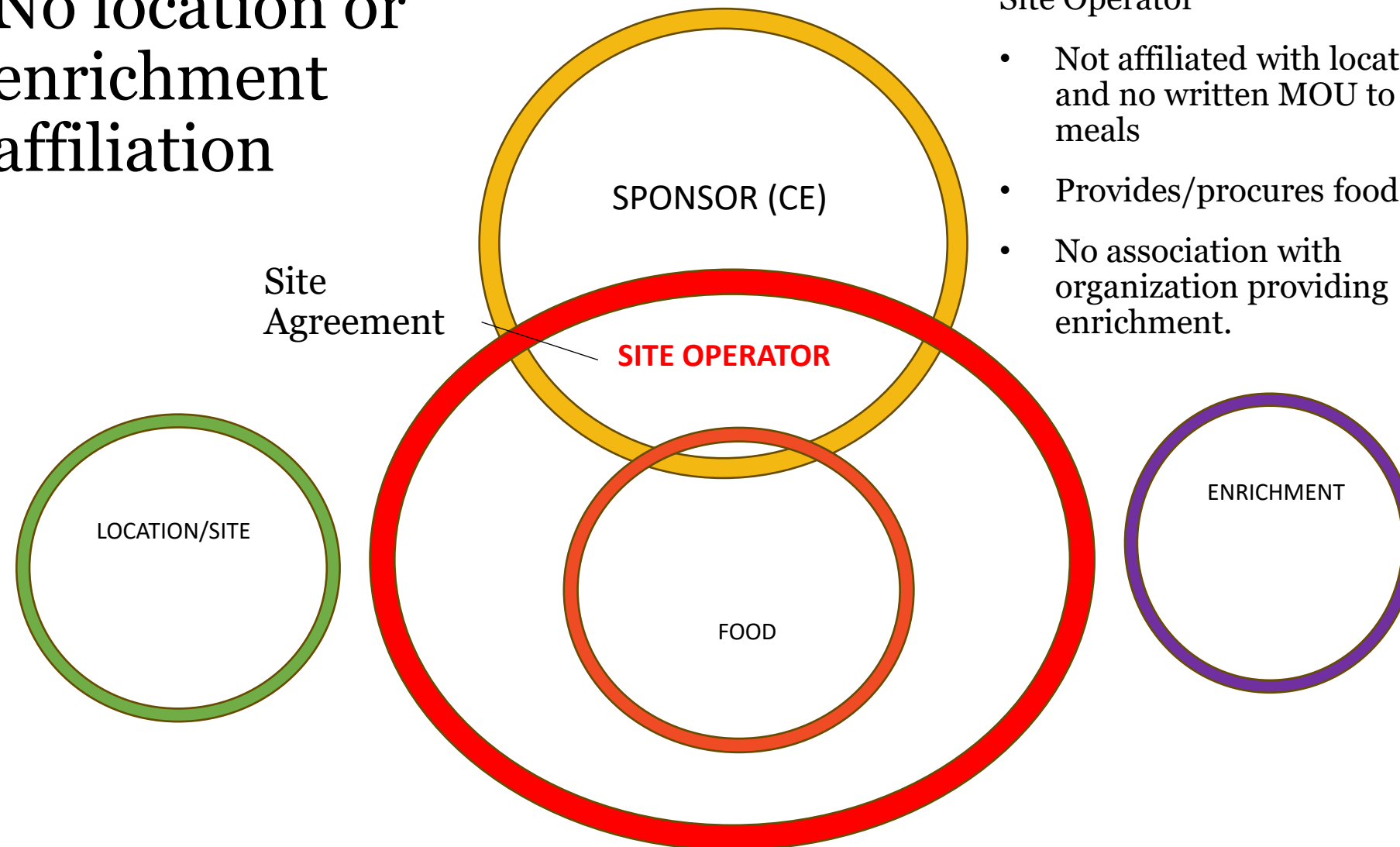


### Site Operator

- Not affiliated with location but has MOU to serve meals.
- Provides/procures food
- No association with organization providing enrichment.

# UNALLOWABLE Unaffiliated Site Scenarios

Sub-sponsor at  
Unaffiliated Site –  
No location or  
enrichment  
affiliation



## Site Operator

- Not affiliated with location and no written MOU to serve meals
- Provides/procures food
- No association with organization providing enrichment.



## TDA Plan to Reduce Unallowable Sites

TDA has established an online questionnaire/attestation form that ALL sponsors of unaffiliated At-Risk sites must complete on behalf of all their sites.

- CEs will identify both unaffiliated sites that are “standard” and sub-sponsor managed.
- CEs will attest that the sub-sponsor is providing comprehensive enrichment AND that the CE is providing all required oversight functions.

# Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation



## Valid Child and Adult Care Food Program (CACFP) At-Risk Unaffiliated Site Questionnaire/Attestation

Please read this guidance and form instructions carefully.

### Policy

Child and Adult Care Food Program (CACFP) Contracting Entities (CEs) must maintain operational oversight and have full control over the management and administration of the food program at all unaffiliated sites under their sponsorship for the duration of their program participation (7 CFR 226.16(d)). CACFP CEs sponsoring At-Risk sites may contract with a unitized meal vendor (vended meal provider) or Food Service Management Company (FSMC) to manage food service operations at a site, but the vendor/FSMC must:

- Be properly procured by the CE; and
- The CE must have a signed and TDA-approved Contract for Purchased Meals with the vendor/FSMC.

Unitized meal vendors and FSMCs must not represent themselves as an unaffiliated site. A signed Permanent Agreement (site agreement) between a CE and a meal vendor/FSMC in lieu of a properly procured Contract for Purchased Meals is not valid, and sites established under such agreements cannot claim meals for reimbursement.

### Form Instructions

For each unaffiliated At-Risk site under its sponsorship, the CE must be able to address the following questions in this form to meet compliance. Once this attestation form is submitted, TDA may reach out to you for more information

**NOTE:** CEs may submit this form multiple times. For example, you may submit this form for the sites you know meet compliance while investigating sites for which you are uncertain. Any new unaffiliated sites added after submittal of this form will require submittal of this form for the new site before that site application can be approved.

1. Select CE Name from the drop-down menu. \*

2. Do you have unaffiliated sites under your sponsorship that are managed by staff affiliated with the location of service? \*

The site agreement will be signed by staff of the location where meals are served.

- Yes  
 No

3. Do you have unaffiliated sites under your sponsorship that are managed by a sub-sponsor? \*

A sub-sponsor is an organization that signs the site agreement but is not legally affiliated with the site where the At-Risk Program and CACFP meal service is taking place.

- Yes  
 No

# Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation

## 1. Select CE Name from the drop-down menu. \*

- "With Helping Hands" Serving Nutritious Meals
- AJL's Wings Of Hope Inc.
- Advance Child Care, Inc
- Advance Child Care-Arts, Inc.
- Always A Nutritional Meal
- Anita Moreau "Food Program Specialist"
- Apples & Oranges Corp
- Arlington ISD
- Bartlett ISD
- Beyond Meals, Inc.
- Boys & Girls Clubs In Texas

# Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation

**2. Do you have unaffiliated sites under your sponsorship that are managed by staff affiliated with the location of service? \***

The site agreement will be signed by staff of the location where meals are served.

- Yes
- No

**Select all unaffiliated sites that are managed by staff affiliated with the location of service. \***

Select ▼

Advance Child Care-Arts, Inc. - Bread N Butter Kids @ Westwood Junior High

Advance Child Care-Arts, Inc. - Candy Cane Learning Academy Palestine

Advance Child Care-Arts, Inc. - Care Child Development Center Richardson

Advance Child Care-Arts, Inc. - Children Of Krishna Society @ Avalon Apartments

## Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation

If the site is new (not yet in TX-UNPS) and will be managed by staff affiliated with the location of service, enter the site name as it will be entered on the site application. \*

**NOTE:** You may submit this form again with only new proposed sites if that is more convenient.

CEs must submit this form with any new sites added. The site application will not be approved without a corresponding attestation form.

### 3. Do you have unaffiliated sites under your sponsorship that are managed by a sub-sponsor? \*

A sub-sponsor is an organization that signs the site agreement but is not legally affiliated with the site where the At-Risk Program and CACFP meal service is taking place.

Yes

No

I attest that for each unaffiliated site being managed by a sub-sponsoring organization, the sub-sponsor is providing a comprehensive At-Risk Program, including congregate enrichment activities, and has other non-Federal sources of revenue to cover non-food service expenses (e.g., labor, enrichment materials etc.). If the sub-sponsor is only providing food and staff for meal service, this site is not allowable and will be closed. \*

I attest that the CE has a copy of an agreement between the sub-sponsor and the service location authorizing the operation of an At-Risk Afterschool Program. If not, this site is not allowable and will be closed. \*

Select only the unaffiliated sites that are managed by a sub-sponsor and meet the criteria of the previous two attestation statements. \*

Select



**4. For every unaffiliated site listed in both Questions 2 and 3 above, you must attest to the following statements. If during an Administrative Review, TDA discovers any non-compliance with the below attestation statements, meal disallowances and closure of the site may result:**

- I attest that for each site listed in this form, the organization signing the site agreement is operating a nonprofit food service. \***
- I attest that for each site listed in this form, I am providing written documentation that details the reimbursement the site is receiving each claimed month. \***
- I attest that for each site listed in this form, the organization signing the site agreement is not also using CACFP funds they receive for administrative purposes. \***
- I accept full responsibility for the operation of the program at the sites listed in this form. \***
- I accept final administrative and financial responsibility for the sites listed in this form. \***
- I am obtaining and maintaining the government issued identification for the principals of each site listed in this form. \***
- I am obtaining and maintaining the business filings and formation documents (e.g., Articles of Incorporation, Certificate of Formation), Assumed Name Certificate, and IRS 501 (c)(3) tax-exemption (if applicable) for each sponsored site. \***

I am providing the following oversight functions at each site listed in this form: \*

- Conducting direct monitoring.
- Reviewing all the menus of the sites as well as ensuring the meal production records at each site are being completed.
- Conducting pre-approval visits.
- Adding/submitting changes for and terminating sites.
- Ensuring sites maintain current license/certification and enrollment documents.
- Ensuring all health and safety documentation is maintained and provided to TDA.
- Ensuring the site is providing afterschool educational or enrichment activities, either directly or via a procured vendor, to participants on each day of meal service.
- Providing technical assistance.
- Ensuring organizations submitting sites for participation are not disqualified from participation in any Child Nutrition Program, as well as ensuring site staff in principal positions or performing CACFP functions are not disqualified.

- I attest that I am providing the initial and annual training to the staff of the organizations managing the sites listed in this form. \*
- I understand that for any existing site for which I cannot attest to any of the above, that site must be closed with an effective closure date of no later than September 30, 2024. Any site not closed and/or not submitted via this attestation form by July 1, 2024, will be closed by TDA on behalf of the CE. \*

Direct Link to form:

<https://app.smartsheet.com/b/form/ee54909a7e13448581859d91a22305ae>












Direct Link to FAQs:

[https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/FAQ\\_Sponsor\\_Under\\_Sponsor\\_240216.pdf](https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/FAQ_Sponsor_Under_Sponsor_240216.pdf)

# Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation

Located on page 2 of 4 of the CACFP Forms Table:

<https://squaremeals.org/Programs/Child-and-Adult-Care-Food-Program/Administration-Forms>

Texas Department of Agriculture Food and Nutrition Division Permanent Agreement					CACFP - At-Risk Afterschool
Milk Flexibility for Emergency Conditions Notification					CACFP - At-Risk Afterschool
Good Cause Transfer Request Form					CACFP - At-Risk Afterschool
Micro-Purchase Log					CACFP - At-Risk Afterschool
Valid At-Risk Unaffiliated Site Questionnaire/Attestation					CACFP - At-Risk Afterschool
2021 - 2022 School Data for Area Eligibility	SCHOOL DATA				CACFP - Child Care Center
2022 - 2023 School Data for Area Eligibility	SCHOOL DATA				CACFP - Child Care Center
2022-2023 WIC Information English and Spanish	WIC				CACFP - Child Care Center

## Valid CACFP At-Risk Unaffiliated Site Questionnaire/Attestation

Located under Policy Updates and New (Policy/Handbook Page):

<https://squaremeals.org/Programs/Child-and-Adult-Care-Food-Program/Policy-Handbook>

### Policy and Handbook for CACFP

Administration/Forms

Area Eligibility

At-Risk Site Map

CFDA/FAIN Numbers

Compliance

Disaster Resources

Funding Opportunities

#### Policy Updates and News

All the most current resources you need to successfully operate the Child and Adult Care Food Program are available here. TDA keeps this page updated with any new policy updates and news, including the following:

- Handbook release notices with update summaries
- Form release notices
- Brand new policy updates that haven't yet been updated within the handbooks
- FAQs and other resources, as required

Please bookmark this page and check back periodically.



## TDA Plan to Reduce Unallowable Sites

- CEs can submit the form once on behalf of all sites or submit multiple times. A form needs to accompany any **new** unaffiliated At-Risk site.
- Form is **due June 30, 2024**. After that, TDA will begin closing sites (with a September 30 effective date) for which there is no accompanying attestation statement.
- CEs with ineligible sites should proactively close sites (with September 30 effective date) and seek out alternative means to keep sites open.

# Alternative Options for Currently Ineligible Sites

- Encourage the site location itself to oversee the Program and sign the site agreement.
- If sub-sponsor is piggybacking off an unaffiliated enrichment program, encourage the organization providing the enrichment to operate CACFP at the site.
- Operate an affiliated site at the location, with CE-provided staff. An FSMC could be procured (using Federal procurement guidelines) to provide the food and operate meal service.
- **GET THE WORD OUT NOW.**

# Upcoming

- Bi-weekly email reminders will be distributed.
- May – MegaCon Presentation
- June 30 – Questionnaire/Attestation Form must be completed for all unaffiliated sites.
- July 1 – TDA begins closing existing unaffiliated sites for which there is no attestation form. Effective date is September 30 so the sites can still claim meals from the end of the school year.
- September 30 – All sites that do not have an associated Questionnaire/Attestation Form will be closed.
- Later this year – Handbook Updates

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**1. mail:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**2. fax:**

(833) 256-1665 or (202) 690-7442; or

**3. email:**

[program.intake@usda.gov](mailto:program.intake@usda.gov)

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