



June 11, 2021

The Honorable Nikki Fried
Agriculture Commissioner
Florida Department of Agriculture and Consumer Services

Dear Commissioner Fried:

I write to share Feeding America's serious concerns regarding the process that the Florida Department of Agriculture and Consumer Services (FDACS) used to revise its contracted regions for The Emergency Food Assistance Program (TEFAP). The result of the Request for Application process initiated in February 2021 by the department was to award the contract for distributing TEFAP in Palm Beach and Broward Counties to a different entity than the current contract holder, Feeding South Florida.

After reviewing the applications and the subsequent scoring process, Feeding South Florida and other Feeding America network food banks have raised serious concerns regarding the process used by FDACS staff.

Furthermore, after reviewing the applicants' distribution plans, Feeding America has significant concerns about FDACS' determination that Farm Share, with smaller warehouse, truck, and distribution capabilities, was the best entity to equitably and effectively distribute USDA food in South Florida. This concern is particularly acute when examining the impact this would have on underserved communities with limited food access.

We urgently request that you review the details of the applications and scoring process and correct the inaccurate and inconsistent scoring decisions that resulted in the awarding of the contract to another organization.

Feeding America is also concerned that the contract process violates the intent, if not the letter, of federal regulations concerning TEFAP. While federal regulations give latitude to state agencies to establish specific criteria for determining TEFAP distribution, they do encourage, as stated in 7 CFR 251.4(b) and 251.4(h), that states prioritize local emergency feeding networks with strong distribution capabilities. Specifically, federal regulations state that state agencies can prioritize awarding TEFAP contracts to emergency feeding networks that include food from sources other than USDA and do not reduce normal expenditures for food upon receipt of federal commodities. The decision by FDACS to switch contractors for the counties in question does not align with the regulatory intent of this provision given the much larger distribution capacity of Feeding South Florida and the significant amount of non-USDA food that the food bank also provides to the communities it serves.

Feeding America can attest to the scale and reach of Feeding South Florida and their effectiveness as an anti-hunger leader in South Florida. In 2020, the food bank provided over 176 million pounds of food to over 1.4 million individuals in Palm Beach, Broward, Miami-Dade and Monroe counties, 52 million pounds of which were TEFAP commodities. For Palm Beach and Broward Counties, Feeding South Florida was able to not only effectively and efficiently distribute TEFAP entitlement foods in the counties, but also had the capacity to accept

additional donated commodities offered from USDA, which increased the amount of USDA foods to the two counties from 17% of the state's total to 38%.

The change in contract holder will also have an impact on many smaller agency partners served by the food bank, many of them serving communities of color. In Broward County, Feeding South Florida serves 83 active partner agencies, 49 of whom receive weekly deliveries from Feeding South Florida. In Palm Beach County there are 80 active agency partners. Because of Feeding South Florida's investment in its 26-vehicle fleet of refrigerated tractor/trailers and box trucks, agencies do not need to have their own transportation to pick up food, but will have to under the new contract holder.

This decision will place a heavy burden on communities of color in South Florida that are already disproportionately impacted by food insecurity and result in less food on the table for families who need it most. Over 60% of those served by Feeding South Florida identify as Black or African American and over 20% identify as Hispanic or LatinX.

As a member of the Feeding America network, Feeding South Florida is contractually required by Feeding America to meet rigorous food safety standards, including a bi-annual AIB food safety audit. Network members are also required to train and provide oversight of all agency partners that distribute food, including USDA commodities.

Given the irregularities identified in the application scoring process and the numerous implications this decision holds for vulnerable communities, I encourage you to re-examine the applications and the scoring process to ensure a fair and impartial decision is made on behalf of the millions of food insecure individuals in the South Florida community.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Babineaux-Fontenot', written over a horizontal line.

Claire Babineaux-Fontenot
Chief Executive Officer
Feeding America

cc: SERO
USDA
FL Delegation