

BMA for Board Members

Your Guide to the Food Bank Membership Agreement





Overview of Food Bank + Member Agency Network

FOOD BANK
OF WESTERN MASSACHUSETTS
TOGETHER, WE END HUNGER

Food Bank of Western Massachusetts

Mission

- To feed our neighbors in need, AND...
- Lead the community to end hunger

Vision

- A western Massachusetts where no one goes hungry, and everyone has access to nutritious food

Network + Impact

- 188 programs sponsored by our member agencies
- 54 Brown Bag for Elders distributions
- 30 Mobile Food Banks
- 17M lbs. distributed in FY24
- Serving an average of 115,000 people each month





What is the Basic Membership Agreement?

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What is the BMA?

- Legal agreement between FBWM and your agency
- Requires signature of the Admin Contact on record at the Food Bank
- Outlines Food Bank and member agency/program responsibilities and expectations
- Updated annually – additions, removals, clarifications
- Covers all programs sponsored by your agency
- Membership of any program may be terminated at any time, in writing from the Admin Contact



Why is this important for YOU?

- Legal, fiscal, and programmatic responsibility for all sponsored programs
- “Disaster-proof” your agency
- Succession Planning



What's in it??

General Areas:

- Membership requirements
- Program requirements
 - Receipt and distribution of food
 - Location, hours, and communication
 - Program contacts
 - Reporting
 - Monitoring
 - Food Safety
 - Billing/Payment
 - Information Security
 - Media Communications
- Agencies with programs that receive USDA foods – Single Audit declaration



Section by Section Guide



Membership

Eligibility

- Agency must be a 501c3 nonprofit organization, classified as a Public Charity (NOT a Private Foundation), OR...
- A church...
 - Catholic, Baptist, Methodist churches have 501c3 “Group Exemptions” for their members
 - If not covered by Group Exemption, must meet majority of IRS requirements to be considered a Church
- Separate membership agreement for college and university membership
- Annual Membership Fee
 - \$125 for “Emergency” Feeding Programs
 - \$200 for “Non-emergency” Feeding Programs

Maintain Your 501c3 Status!

Agencies that are not churches must maintain nonprofit status with IRS.

Failure to do so will result in suspension of membership until nonprofit status is re-established.

Non-discrimination:

Protected Classes:

- Age
- Sex
- Marital Status
- Race
- Color
- National origin
- Citizenship/immigration status
- Religion
- Ancestry
- Disability
- Military discharge status
- Sexual orientation
- Gender identity/expression

Program Requirements

Types of Food

- MEFAP – state-funded, subject to case limits
- USDA - federally funded, subject to case limits and additional program requirements
- Donated – subject to Shared Maintenance Fee of up to \$.19/lb (except for candy, beverages, and non-frozen perishable items); no case limits*
- Buy-In – purchased by the Food Bank and made available to agencies at wholesale prices; no case limits*

*FBWM reserves the right to limit access to these items based on inventory, or to change policies for access to and distribution of these items

Access to Food:

- Must be limited to program staff/volunteers only
- Food Bank food must be stored separately from other products and labeled, if necessary

Minimum Ordering Requirements

- Programs must order at least once every 6 months (exception: seasonal programs)
- Programs that do not order will not receive automatic renewals
- Programs that are suspended or inactive for 1 full fiscal year must reapply for membership – prior membership does not guarantee acceptance

Liability and Warranties

- Member agency releases liability for Feeding America, FBWM, and product donors of liability resulting from donated product
- Member agency agrees to hold harmless and indemnify product donors, Feeding America, and FBWM from any claims or obligations regarding the agency, product, or activities or conditions at the agency or program locations
- FBWM, Feeding America, and product donors offer no warranties in relation to the product
- Member agencies agree to adhere to donor requirements regarding use of donated product – products from the Food Bank should only be used to feed people who are deemed ill, needy, or infants, according to the IRS definition



Distribution of Food

- **“Products from the Food Bank” or “Food Bank food”** = food or other product received from the Food Bank or through Enabled Agency program (retail pickup)
- No sharing Food Bank food!
 - Including no sharing between programs sponsored by the same agency
 - Certain exceptions apply – transfer of product between programs requires prior approval from FBWM for an accepted reason
- Food Bank food may not be sold or exchanged for money, property, or participation in religious or other services/programs
 - No direct or indirect charges
- Food Bank food should only be used to serve people who are ill, needy, or infants
 - At least 51% of the people served must meet this criteria
 - May not be used for staff meetings, volunteer appreciation, incentives for participation in religious activities or other programs

New: No distribution of THC, CBD, or other cannabinoid-containing products

Distribution of Food

- No stockpiling!
 - MEFAP food must be distributed within 60 days
 - USDA food must be distributed within 30 days
 - Exception – disaster reserve
 - Amount of reserved allowed is based on program size
 - Must be stored separately and labeled
 - Must maintain food safety protocols
- Donations from program participants
 - OK as long as they are voluntary, anonymous, and not related to food distribution
 - Programs that receive USDA food may not accept donations from guests
- Religious activities
 - No religious materials may be distributed during food distribution
 - No religious activities during food distribution
 - No special distributions for members of your faith congregation

Eligibility & Verification

- EFPs may not require photo ID or proof of eligibility
 - Programs may ASK for verification (except photo ID), but may not require it
 - Cannot refuse to provide food if someone cannot provide proof of eligibility
 - If the program asks for verification, it must be explicitly stated that no one will be turned away for failure to provide proof of eligibility
- EFPs must serve everyone, regardless of income or residence
 - There are no eligibility requirements for MEFAP or donated food
 - USDA food does have its own eligibility requirements, and should only be provided to people who meet those requirements
 - Programs may have a defined service area (ex. only people from Springfield or Franklin County), but must still provide food to people outside that area – may do so at a reduced level of service



Location, Communication & Hours

- Food Bank must be notified in writing of any changes to hours or storage/distribution location
- Food may only be distributed at the location on file with the Food Bank
 - Home delivery is OK – must maintain food safety (recommend training for drivers; also recommend CORI/SORI checks)
 - Off-site distributions are OK – we must have these on file so we can post them publicly
 - New storage location or off-site storage required prior inspection
- Must be open during the hours on file with the Food Bank
- Hours and Food Bank membership must be posted outside the building
- EFPs must have a publicly listed phone number
 - Must include outgoing phone message that has the program hours and location
 - Programs may incur a fee for failure to comply
 - Must have at least one other phone number on file

Primary Contacts

- One Primary Contact per program (can be same person for multiple programs)
- PC is primary liaison with FBWM
- Has authority to update hours, location, and add/remove people from the program's account
- MUST maintain an email account that they check regularly – this is our primary method of communication with our member agencies
- Must complete mandatory training within first 30 days
 - Essentials Training
 - Online Ordering Training
 - Statistics Training
 - USDA Training (if applicable)



Reporting Requirements

What's Required?

- Total Individuals
- NEW Individuals
- Age ranges of NEW individuals
- Total Households
- NEW Households
- Service Visits

Must be submitted by the 15th of the following month.

Additional reporting requirements may apply for programs that receive delivery, retail pickup, or USDA foods.

Programs that submit bad statistics for multiple months, or are missing multiple months of statistics, may be subject to suspension and additional training requirements.



Monitoring

- FBWM monitors our member agencies once every 2 years
- We review...
 - Food safety
 - 501c3 status/Church documents
 - Compliance with food distribution requirements
 - Phone number and hours
 - Contact information on file for your
 - Food Bank invoices and intake forms
 - Must be signed and cosigned
 - Invoices must be retained for ONE fiscal year + current fiscal year
 - Programs that receive USDA food must retain invoices for THREE fiscal years + current fiscal year
 - Electronic copies of SIGNED invoices OK
 - ALL programs must retain sign in sheets/intake and registration forms for THREE fiscal years + current fiscal year
 - USDA inventory forms and signage for participating programs
- **We will throw away any Food Bank food that is not in good condition or stored safely!**

Food Safety

Certification Requirements

- Programs that distribute groceries must have at least one staff member or volunteer with a Food Handler certification
- Programs that prepare food, or where guests prepare food that is served to people other than their own family, must have a staff member or volunteer with a ServSafe Manager (or equivalent) level of certification
- Certificate holder should be someone who is regularly involved in food distribution or preparation
- If certificate holder leaves the program, or certificate expires, a new one must be submitted to FBWM within 60 days, or the program will be suspended

We take food safety seriously!

- Recall notifications
- Critical or repeated food safety violations may result in suspension or termination of membership
- Detailed requirements can be found in the Essentials Guide

Billing & Payment

- FBWM will generate a monthly statement for any program that has a positive balance due on their account at the end of the month
 - No statements for credit balances or \$0 balances
- All payments must be made in the form of a check from the sponsoring agency or a bank check from their account.
 - No payment by credit card, cash, or personal check
 - No third party checks, EXCEPT for bill pay services
- Programs with unpaid balances that are more than 90 days overdue will be placed on Free Food Only status
- Unpaid balances more than 120 days overdue will be suspended until payment is received
- Termination of membership does not eliminate a balance owed on the program's account



Information Security

- Programs must ensure security and confidentiality of participants' personal information contained in both paper and electronic records
- Must adhere to MA 201 CMR 12.00, Standards for the protection of personal information for residents of the commonwealth
- Programs will not provide participants' personal information to anyone outside of the FBWM food assistance network without written permission of the participant
- Staff from FBWM, USDA, or Feeding America (or others with an oversight role over the program) may inspect records such as sign in logs at the site, but may not remove these records from the site.

Media Communication

- Programs must adhere to the media communication guidelines found in the Essentials Guide
- Food Bank vs. food pantry
- Abundance vs. Scarcity
 - Avoid “empty shelves” language – this can cause panic among people who need food assistance
 - Focus on your programs’ needs for specific items (ex. allergen-friendly foods, or protein sources), or for a specific time (ex. kids items in the summer, or holiday meal items)
- It is inaccurate to say that a program “buys” food from the Food Bank
- Stories from the people you serve
 - Only share with permission – let them know how you’ll be sharing, and allow them review before publishing
 - Share stories of success and gratitude, rather than trauma
 - Show the whole person, not just their food insecurity



What's Next?

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Next Steps

Succession Planning

- Today is a great first step in creating a succession plan for your program!
- Our Agency Relations team is available to help identify your program's succession planning needs and help you start developing a plan.
- Schedule an appointment (in person at the Food Bank or your site, or by Zoom) here: <https://tinyurl.com/424w875h>

Evaluation

Let us know how we did today! Your feedback helps us improve future presentations.

Evaluation can be found online here:

<https://tinyurl.com/yss3srn>

Board Meetings

Our Agency Relations team would be happy to meet with your board!

Presentation includes:

- Overview of the Food Bank and the food assistance network
- Overview of your program's pounds distributed and people served over time
- Best practices in the network, and what they look like at your site

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