



TODD STAPLES, COMMISSIONER

# POLICY ALERT

**Date:** September 18, 2009

**Reference:** # CACFP DCH 2009-26

**To:** Child and Adult Care Food Program – Day Care Home Sponsors

**Subject:** Food and Nutrition Division (FND) Agreement Contractor Specific Amendments

**Effective Date:** Immediately

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## Purpose

**REPLACE** the following Items in the Handbook:

2227, Amendments  
2227.1, Universal Amendments  
2227.2, Contractor Specific Amendments

These items are updated to reflect changes in how contract amendments are initiated, submitted and approved.

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## Implementation

Immediately

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## Procedure

**Replace Item 2227 with the following:**

After we have approved your application/management plan, and signed the Food and Nutrition Division (FND) Agreement, these documents can only be amended with our consent. There are two types of FND Agreement amendments:

- Universal amendments, and
- Contractor specific amendments

**Replace Item 2227.1 with the following:**

Universal amendments are modifications to the terms and conditions of the FND Agreement that apply to all contractors operating under the FND Agreement, including amendments that are specific to a particular program, regardless of whether a particular contractor has been approved to participate in that program. Universal amendments are initiated by TDA.

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This Policy Remains in Effect Until Further Notice

Procedure  
continued

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**Replace Item 2227.2 with the following:**

Contractor specific amendments are limited to:

- Adding participation in an FND-administered program;
- Deleting participation in an FND-administered program;
- Changing the name of the organization in which the FEIN remains the same under the exiting FND Agreement; or
- Changing the name of the organization in which other documentation establishing your legal identity remains the same under the existing FND Agreement.

Whenever necessary, your F&N FOO will amend your FND Agreement using an “amendment form” to indicate your current participating status and/or organization name.

**EXAMPLE (adding a program):** If a contractor is approved to participate in the Summer Food Service Program (SFSP) and later applies to participate in the Child and Adult Care Food Program (CACFP) Day Care Homes (DCH), the contractor will complete the amendment form included in the application packet. The contractor will sign the form and return it to the F&N FOO. Upon receipt and approval of the contractor’s signed amendment form, TDA will sign the form and a copy will be returned to you for your files.

**EXAMPLE (deleting a program):** If a contractor is approved to participate in both the CACFP DCH and the SFSP, but decides to terminate their participation in the CACFP DCH, the contractor must notify their F&N FOO. The F&N FOO will complete an amendment form and send it to the contractor. The contractor will sign the form and return it to the F&N FOO. Upon receipt and approval of the contractor’s signed amendment form, TDA will sign the form and a copy will be returned to you for your files.

**EXAMPLE (name change):** If a contractor notifies the F&N FOO that the name of their contracting organization has changed, but the FEIN, or other documentation establishing your legal identity has not, the F&N FOO will enter the new name of the contracting organization on an amendment form and send it to the contractor. The contractor will sign the form and return it to the F&N FOO. Upon receipt and approval of the contractor’s signed amendment form, TDA will sign the form and a copy will be returned to you for your files.

Contractor specific amendments can be initiated by either the F&N FOO or the contracting organization.

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continued

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**Procedure**  
continued

A contractor specific amendment initiated by a contractor to add or delete a program can be withdrawn. The contractor may decide not to participate in the program being added or continue participation in the program being deleted. In the event that you decide to withdraw a contractor-specific amendment, you must inform your F&N FOO in writing.

Failure to return a contractor amendment, or to notify your F&N FOO that you wish to withdraw the action, could result in termination of your FND Agreement for cause. Reference Item 8133, Termination for Cause.

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**Contact**

If you have any questions please contact your Food and Nutrition Field Operations Office.

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