

441—66.4(234) Distribution. The department is the agency responsible for food distribution in Iowa under TEFAP. TEFAP commodities and funds are allocated and delivered to Iowa by the USDA according to the USDA formula as defined at 7 CFR 251.3(h), as published on January 1, 2005.

66.4(1) Distribution contractors. The department shall enter into a contract for distribution of commodities with a qualified eligible recipient agency approved as described at subrule 66.2(1) to distribute commodities in Iowa to needy individuals or households in the most cost-effective and comprehensive manner possible.

a. Subcontractors. TEFAP contractors may subcontract with other eligible recipient agencies for distribution of commodities.

b. Emergency feeding organizations. In the distribution of commodities, the department shall give priority to eligible recipient agencies that are emergency feeding organizations. If the need arises, the department shall implement a priority system to serve predominately needy persons.

c. Use of subsidiary distributing organizations. A contractor may furnish services through another eligible recipient agency as a subsidiary distributing organization, provided that the contractor has a written contract with the subsidiary distributing organization.

66.4(2) Allocation to contractors. The department shall make commodities available for distribution to contractors in accordance with the provisions of 7 CFR Part 251, as published on January 1, 2005, and of 7 CFR Part 250, as published on January 1, 2005, when the provisions of Part 250 are not inconsistent with 7 CFR Part 251.

a. Timing of allocation. To the extent possible, the department shall allocate commodities to the contractors each month.

b. Basis for allocation. The allocation of commodities to each contractor is based on the percentage of the Iowa residents with income at or below 185 percent of the federal poverty level who live in the area that each contractor serves.

66.4(3) Variations in distribution. The department may withhold or reduce the delivery of commodities to contractors under the following circumstances:

a. When commodities are not available or have not been transported to the state in time for delivery;

b. When the commodities inventory is not sufficient to meet all requests;

c. When an eligible recipient agency has commodities on hand in excess of the amount that could be used without waste in providing services for the number of needy persons served;

d. When the state's supply is depleted; or

e. When the department or USDA has issued orders restricting distribution of certain food items.

66.4(4) Special provisions for situations of disaster and distress. The department reserves the right to distribute commodities in situations of disaster, emergency, or distress to any affected area in Iowa. In these situations, the department shall use commodities in the central warehouse first and shall then, if necessary, use commodities from the inventory of each contractor. Federal regulations at 7 CFR 250.43 and 7 CFR 250.44, as published on January 1, 2005, shall apply in these situations.