**Agency Eligibility and Expectations**

The Food Bank of the Albemarle, a Feeding America member, shall ensure eligibility for partnership only for organizations that are legitimately serving eligible persons as defined by federal, state and/or Board policy.

1. **Application for Membership**
2. Organizations must submit an application on the appropriate forms provided by the Food Bank and attach additional information as requested, including:
	1. a current financial statement
	2. a list of Board members (or the group governing authority for your program)
	3. evidence that records are maintained on food distribution and people served
	4. a statement of nondiscrimination in their provision of services and a statement that food will be used only for the needy
	5. a signed copy of the Organization Participation Agreement indicating your willingness to comply with policies and all procedural requirements of the Food Bank
	6. Agencies must register an email address with Food Bank of the Albemarle’s email list which will allow them to receive their agency newsletter, and email alerts and updates from the Food Bank of the Albemarle.
	7. *Please reference the Application Check Sheet for a full list of required application documents.*
3. Agencies must provide proof of tax-exempt status either by submitting a copy of the IRS letter of determination stating that the organization is tax exempt under section 501(c)3, with a current advance ruling period date, or by submitting appropriate documentation stating that the program is sponsored by an incorporated church or providing the documentation required to show proof of the church’s existence and operation.
	1. An organization applying under their own 501(c)3 needs to have in their mission or articles of incorporation a statement expressing that the organization intends to serve and feed the needy.
	2. Agencies that are sponsored under a parent organization’s 501(c)3 must adhere to the following:
		1. The Board or Chief Executive Officer of the 501 (c)3 parent organization’s must confirm the designation in writing acknowledging the responsibility to enforce all provisions of its agreement with the Food Bank for the agency.
		2. The 501(c) (3) agency must be programmatically, fiscally and legally responsible for the donated product handling/distribution activities of the agency.
		3. Funds to pay shared contribution must come from the 501(c)3 parent organization, not from the agency, and all money received and disbursed in connection with the donated product handling/distribution activity will go through the fiscal books of the 501(c) (3) parent organization.
		4. The 501(c)3 needs to have in their mission or articles of incorporation a statement expressing that the organization intends to serve and feed the needy.
	3. If an organization does not have a 501(c)3 and wants to apply for membership as a church, they need to use additional criteria to demonstrate qualification as a church. The IRS uses the following 14 characteristics to determine whether an organization qualifies as a church:
4. **A distinct legal existence.**
5. **A definite and distinct religious government**
6. **A membership associated with only one church body or denomination, or independent**
7. **A complete organization with ordained ministers ministering to their congregations**
8. **Established places of worship**
9. **Regular congregations**
10. **Regular religious services**
11. A recognized creed and form of worship
12. A formal code of doctrine and discipline
13. A distinct religious history
14. Ordained ministers elected after completing prescribed courses of related religious study
15. Church literature
16. Sunday Schools for religious instruction of the young
17. Schools for the preparation of its ministers

Very few groups will meet all 14 criteria, but as a matter of policy, food banks distribute only to church entities that satisfy some given minimum percentage of the stated criteria. We have **BOLDED** the criteria that must be met for eligibility with the Food Bank of the Albemarle.

This information is necessary in order for the Food Bank to be in compliance with IRS regulations of a participating organization’s 501(c)(3) status, or appropriate documentation of church status. These materials protect the Food Bank and its member groups in making certain that Food Bank products are used for the proper purposes and people, and are in accordance with the laws that permit the donors of the food to take the tax deductions allowed. They also protect the organizations and the Food Bank in maintaining their nonprofit, charitable designations.

1. Geographic location and area to be served must be identified and will be reviewed by the Food Bank of the Albemarle in order to avoid duplication of services with Food Bank resources.
2. **Review of Program**
3. After the application has been reviewed and approved, the director, board president, and other key volunteers who need to be authorized to sign the invoices for food orders will need to attend an Agency Orientation held at Food Bank of the Albemarle in Elizabeth City. Attendees to this orientation will be issued ID cards which will authorize them for pick-up of food products.
4. An on-site inspection of the program facility and operations will be conducted by an authorized Food Bank representative
5. Following a completed inspection, payment of the prorated annual membership fee must be submitted prior to ordering from Food Bank of the Albemarle.
6. **General expectations for Food Bank participation include:**
7. The applicant organization must be tax-exempt under Section 501(c) 3 of the Federal Internal Revenue Service statues or evidence of a relationship with an agency with this tax exemption or with a legally recognized church.
8. The applicant organization must provide feeding service(s) to the ill, the needy, and/or infants.
9. Agencies may not ask for contributions/donations from the clients they serve.
10. The applicant organization must be willing to pay an annual membership fee and a shared contribution of up to $.19 cents per pound for product received with the exception of TEFAP, SNAP, and other items deemed no charge. It is a per pound fee for related costs; it is not charged based on the value of the food.
11. The applicant organization must be willing to pay a delivery fee per pound for product distributed through the rural delivery program.
12. Feeding America has approved a ceiling of $.19 cents per pound; however, the Food Bank of the Albemarle reserves the right to set our Shared Contribution at or below that level. This fee is subject to change, at the discretion of the Food Bank.

***Other specific requirements that must be met for Food Bank participation are as follows:***

1. The applicant organization must serve at least 60% identifiable low-income individuals among its clients. (USDA income guidelines are available from the Food Bank).
2. The applicant organization cannot exclude people from its services based on race, color, citizenship, religion, gender, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity or expression, unfavorable discharge from the military or status as a protected veteran; family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity.
3. The feeding service must be regularly scheduled. (Hours and days of the operation must be posted for the public).
4. The applicant organization must agree to the following:
5. Food Bank products **must not** be sold or bartered. Donations **cannot** be solicited from the needy recipients.
6. Trained personnel must be available to ensure proper handling of the Food Bank products. The Food Bank will offer Food Safety Training to agencies.
7. Policies & Procedures must be established by the agency’s Board of Directors and staff to ensure that food goes only to eligible recipients.
8. An adequate record keeping system must be in place to record the use of Food Bank products and to track the number of persons served. Adequate storage facilities, including dry storage, refrigeration and/or freezer space, depending on the types of food distributed or served, must be present to ensure proper sanitation and security.
9. Food must be stored at the agency, not at an individual residence or off-site.
10. Program staff responsible for handling the food must attend orientation and at least one of the annual workshops hosted at the Food Bank.
11. To only use the food acquired from the Food Bank for the program you are applying for.