

# RESPONSE TO CAN-Act REGIONAL ROUND TABLES

California Association of *Network* Contractors (CAN-Act) conducted round tables in each of the 11 *Network* regions to discuss concerns with *Network* contracting. CAN-Act summarized the issues and questions raised during the round tables and developed a report for CPNS staff. CPNS staff were provided copies of the report to review and discuss. CPNS felt that it would be extremely important to address and respond to each of the concerns raised at the roundtables.

## 1) **Additional Proxy Sites Desired for FSNE Activities**

Examples provided:

Head Start sites

County hospitals

Foster care

Discount grocers

Public health clinics

Migrant worksites

***A) Please review the Food Stamp Nutrition Education plan Guidance for FFY 2008, pages 8 – 13 for details on potential sites for Network contractors. At this time, Head Start is not listed as a proxy site. However, you may use the "Other" category under Income Targeting Data Source section. The other sites may not have income participation criteria that would allow them to participate in FSNE activities. Sites must demonstrate that at least 50% of the participants meet the 185% Federal Poverty Level (FPL) targeting requirements.***

Q) Geographic proximity to qualifying census tracts for specific sites (e.g. farmers' markets).

***A) USDA guidance states that all sites, other than the identified proxy sites must be within qualifying census tracts or demonstrate that at least 50% of the participants meet the 185% FPL targeting requirements. If intervention sites are not located within qualifying census tracts or if a contractor cannot demonstrate that at least 50% of the participants meet the 185% FPL targeting requirements, USDA allows prorated costs based on the percent of people in the area at 130% FPL.***

Q) Change retail qualification from dollar volume to percentage of sales (e.g., instead of \$50,000 in FSR (food stamp redemption) per month, establish something like 25% of total sales as FS purchases...).

***A) Background: In communicating with USDA regarding: expanding the FSNE eligibility criteria for retailers, one of the "new" criteria proposed was Food Stamp redemptions representing at least 50% of a retailer's food sales. The rationale was that retailers having a majority***

*of their food sales by food stamp redemptions are likely to be serving customers who are predominately food stamp recipients.*

*Although CPNS was pleased USDA changed their position and added retailers with \$50,000 FSR to the qualifying list, we were not successful with our other recommendations. Ultimately, % of sales indicator did not prove to be appropriate for two reasons:*

- Type of retailer: Very few of the retailers (<10%) that met this criterion were classified as the type of retailers we were most interested to add since they were likely to have fruit and vegetables e.g. supermarkets, farmers markets or produce stands. We were especially interested in criteria that allowed us to work with a greater number of supermarkets since this is where most people get their fruit and vegetables and spend their FSP dollars. We estimated that about ½ of the “new” retailers met this criterion which would allow us to work with those classified as medium or small grocery stores (only about 100 of these statewide) and about 1/3 were convenience stores, specialty stores or combination gas/grocery, grocery/restaurant, etc.*
- Quality of available data: In addition, the quality of the available data to identify these retailers also was not very accurate as it was collected for two different periods and based on self report.*
- Volume of Stores: It is estimated that 5,844 stores are eligible for FSNE in California, but fewer than 650 are Network partners. (Eligible stores were determined using both GIS qualifying census tracts and food stamp redemption of over \$50,000 a month threshold).*

## **2) Recommended FTE for Administration of Contract**

Q) Does state have recommended (ballpark) portion/number of FTE that should be dedicated to administration?

*A) The number of FTE recommended to manage the fiscal portion of the contract would depend on the size of the contract budget and complexity of SOW.*

*Contracts under \$1,000,000 should have 25 -50% FTE*

*\$1,000,000 - \$5,000,000 50 -100% FTE*

*\$5,000,000 – \$10,000,000 1FTE – 2FTE with one CPA if possible*

*Fiscal staff should have minimum of AA in Accounting Technician, Bookkeeping or have worked as full charged bookkeeper for 3+ years.*

## **3) Administration vs. Direct Delivery**

Q) Does USDA have expectations/recommendations with respect to time split between administration and direct delivery?

**A) USDA has not provided a recommendation with respect to the time split between administrative vs. direct delivery. In discussions, USDA would want to maximize program delivery but at the same time maintain fiscal integrity. USDA has questioned contracts where there is high allocation of time dedicated to administration.**

**CPNS has provided instructions on how a contractor should report the split between administration vs. direct delivery and requests that contractors follow the following methodology: if the majority of the activities for the staff person are administrative, i.e. an accounting assistant, then place all that person's FTE allocated to the Network contract under "Administrative Duties". If the person is an RD working as a Project Coordinator, place that person's FTE allocated to the Network contract under "Direct Delivery Duties." This methodology must be applied consistently to in order to meet USDA's requirement.**

**Example: if a person is working as a Project Coordinator and is 0.5 FTE, this should be reflected as 50% Direct Delivery Duties in column # 5. If the person is working as an Administrative Assistant and dedicating 0.75 FTE, this should be reflected as 75% Administrative Duties in column #4.**

**This approach may change when EARS reporting begins in FFY 2010.**

#### **4) Increasing Administrative Burden**

Q) The necessity of pro-rating has added a new administrative burden, and this same burden applies to Regional lead agencies (RN) that are also LIAs – agencies are often faced with "Solomon's Dilemma"; e.g., if you cut the baby in half in order to share it, you end up with nothing. For example: an RN has a staff person whose time is 80% LIA and 20% RN. The *Network* expects the agency to demonstrate the system of how that person's time and expenses are split out. Question: Is this the *Network's* system, or is this a USDA requirement?

**A) The requirement to pro-rate based on FTE is a USDA requirement. Also, if the individual is 100% funded by the Network split between 2 contracts, they are 100% FSNE therefore do not need to prorate. The contractor would need to indicate that the individual was split between two Network contracts on both budget justifications, and that the individual is 100% FSNE.**

#### **5) Reduce the Administrative Burden**

Q) The administration to program delivery has gotten completely unbalanced. It's hard to run quality programs when so much time is needed to comply with procedures, documentation, etc.

**A) *Administrative burdens that have been described are the result of requirements of USDA and the CDPH Public Contract Code. An example of a burden USDA requires is the tracking of state share personnel time on either time logs or time study. An example of burdens that CDPH PCC requires is the restriction of line transfer authority to maximum of \$50,000 per contract year. We will continue to work with USDA to reduce administrative burden and propose alternative procedures when we are able. We have done everything possible to get exemption from California Public Contract Code but have not been successful. This is an area where CAN-Act could assist by requesting this exemption on our behalf for our local contract agencies.***

**6) Network Funded Positions and Allowable Costs**

Q) Is cost of personnel recruitment for *Network* funded positions and allowable cost (e.g., advertisements, etc.)?

**A) *Personnel recruitment costs are allowable if they meet the reasonable and necessary requirement.***

**7) Communications**

Q) Quarterly LIA conference call is a good start, but it is information download from *Network* to programs, rather than an interchange.

**A) *It is difficult to have an extended open dialogue at Quarterly Conference calls. However, general questions and answers are always welcome at the end of these calls. We are open to other suggestions or formats, possibly having an open mike, or receiving questions or agenda items ahead of time. There are various other opportunities for information exchange such as the Operations' Committee of the Network Steering Committee, Regional Collaborative meetings, Annual Conference, Impact Evaluation teleconferences, Network Steering Committee Action Teams (formerly called policy action teams). Individual contract issues should be communicated with assigned CPNS staff.***

**8) Blogs**

Q) Some *Network* channels are using blogs which have been a useful and timely way to share information.

**A) *Blogs are a great resource for local agencies to share information but unfortunately the use of blogs on official CDPH sites including the CPNS site is restricted due to the monitoring requirements. The Department is interested in novel IT approaches, and would welcome information as to what methods local agencies are using successfully.***

**9) Network Accomplishments**

Q) *Network's* accomplishments don't appear to be very visible with related groups (e.g. CDA, ADA, APHA, CSNA, etc.).

**A) *CPNS staff present at APHA regularly, but as you know the entire Network is restricted to four out-of-state trips to national conferences. CPNS encourages partners to use in-state avenues to highlight Network accomplishments and successes and will welcome speaking invitations for the State program alone or in combination with local partners.***

## **10) School Administrations**

Q) High-level school administration (e.g., superintendent, vice-superintendent, school business officers, etc.) don't always "buy in" to the value of operating *Network* projects.

**A) *It is important in partnership development to establish the value of Network program for the District. In order to ensure that an agency has considered all of the benefits of partnership, please work with your NEC or Program Manager to assist with this important partnership development, results from impact evaluation or more qualitative results. Other Network schools that have achieved buy-in would be a great resource for those schools struggling with administrative buy-in. Please pass on any specific suggestions you have for ways that will be helpful.***

## **11) PM and CM Communication**

Q) Local projects perceive that there is minimal communication between PMs and CMs on any given contract.

**A) *CPNS staff work as a team to monitor Network contracts. Communication between the CMs and PMs is ongoing. Each month the CMs and PMs participate in joint meetings to share updates and discuss fiscal and programmatic issues. CMs and PMs are also involved in collaborating on the development and release of the funding application packet (FAP) each year. During the FAP process, both CMs and PMs review all contractor-required documents. Finally, Budget Adjustment Requests (BARs), informal SOW amendments, and formal contract amendments are also reviewed by both CMs and PMs during the contract term to ensure consistency.***

***Recently, we have developed an internal policy matrix that is a reference for CMs and PMs to help with the issue of consistency. We are providing combined trainings to ensure consistency and assigning experienced mentors to new staff in an effort to address communication concerns.***

## **12) Materials**

Q) Confusion and frustration result from piecemeal dispersal of materials, information, timelines, etc. (recent new brand launch is a good example).

**A) CDPH has a very complicated approval process for communications materials that require approval at various levels within the government. Unfortunately, delays in approvals can severely impact timelines and ultimately the dispersion of important communications to the local Network agencies. CPNS builds in 6 weeks to secure approval, but sometimes there are external issues that impact whether or not this will be enough. Having the new brand coincide with the split of the Department created many additional unanticipated delays as State Administration was focused on the Department split, not Network rebranding efforts.**

### 13) Communications Turn Around Time

Q) Communications – not timely and not reciprocal. Contractor's experience has been that she'll email a question and not hear back for more than a week, but gets requests from program and/or contract managers that they want turned around in 24 or 48 hours.

**A) During the contract term, the Network relies on contractor's ability to respond promptly to inquiries from USDA, CDPH and other partners. Due to the circumstances of these requests, CMs and PMs are unable to provide additional lead-time or grant extensions.**

**The CM and PM communication goal is to respond promptly and accurately to contractor requests and notify them in advance of any contract delays. In the event that the CM and PM are out of the office, an automatic email notice and/or alternative voice mail message is relayed to the contractor. CPNS Staff assigns an alternate person for contractors to contact in the event that immediate assistance is needed.**

**Please feel free to contact the CM or PM Supervisors for assistance. Supervisors: CM Supervisors Rosanne Stephenson (916) 449-5403 or Ralph Bonitz at (916) 449-5378 or the PM Supervisors: Carole Pirruccello at (916) 449-5427 or Steve Bartlett at (916) 449-5439.**

### 14) New PM/CM Procedures

Q) Many projects are of the impression that new PMs and CMs haven't even read their contract documents; in other cases, projects have experienced new PMs and CMs requesting that they make changes or do things differently because that's the new PM and/or CM preference.

**A) CMs and PMs that are new to the Network receive orientation and training on all contract protocols. Protocols include the contract documents, program guidelines manual, and program letters. The**

*Network also maintains an internal document that tracks fiscal and programmatic issues for improved internal consistency among CMs and PMs. In addition, new staff are assigned a mentor to help them as they respond to technical assistance requests from the contractor. Please contact CM or PM Supervisor with specific examples if you feel that your requests are not consistent or response is not reasonable.*

## 15) CM/PM Project Familiarity

Q) There seems to be a disconnect in knowledge and project familiarity between PMs and CMs – for example, CMs don't seem to be familiar with projects' actual program, and PMs often seem unable to answer budget related questions.

*A) As outlined in the Guidelines Manual, II. Fiscal Section, 102 Contract and Program Managers, "CPNS assigns a team consisting of a Contract Manager (CM) and Program Manager (PM) to each Network contract. The CM is part of a team that provides fiscal and program review, oversight, and management to the Contractor. The CM has primary authority over budgets, budget revisions, expenditure documentation, contract issues, invoice payments, subcontract agreements, equipment management, travel reimbursement, and review of the Fiscal Section of the progress reports. Questions about the fiscal and administrative aspects of a Network contract should be directed to the assigned CM. CMs and PMs routinely copy each other on all contractor communication to ensure that both members of the team are up to date on any issues with a contract.*

*The Network PMs are assigned by geographic region to provide program oversight and technical assistance to contractors. This type of oversight is designed to facilitate coordination among regional partners. Contractors should contact their PM if they have specific questions regarding any programmatic aspect of their Network contract.*

## 6) Pre-approval Turn Around Time

Q) Pre-approval, especially for media pieces, is problematic. The state's turn-around time usually results in media pieces (e.g. media advisories, press releases, etc.) not getting to media in a timely way.

*A) Due to USDA requiring review and approval of all media materials (local and state level), a review process has been developed which requires approval from Program Managers, media staff and USDA. All targeting information for paid media pieces must be verified and approved by Network staff prior to submission to USDA. Please note current turnaround time for materials review (including media) is 10 working days. Please plan accordingly and build in sufficient time for reviews.*

## 17) Program Information

Q) Need for greater information exchange between projects – there are few occasions or forums for exchanging program information.

**A) *There are various opportunities for information exchange such as the Network Steering Committee, Regional Collaborative meetings, Network-sponsored trainings, SHAPE meetings, the Annual Conference, Impact Evaluation teleconferences, Network Action teams (formerly called policy action teams), collaborative websites and quarterly calls.***

***Regional Collaborative meetings provide a forum for sharing and networking among projects. If you have specific ideas, please pass them on. They can be considered as part of the training plan which is currently under development.***

## 18) Network/Contractor Response Times

Q) Why is there such a big difference in the response windows between what the Network expects from contractors (often 24-48 hour turn around time requested) and what they allow themselves for most contractor approval requests (7-10 days)?

**A) *We share concerns regarding response window. The only time when CPNS would require a 24-48 hour turn around would be if USDA had question on a budget or project summary for the FSNE Plan and CPNS staff needed to meet the funders deadline. This deadline is firm with no negotiations and failure to meet it would mean that no one gets funding. This is a case where we would require a tight turn around to ensure your project is not removed from the Plan.***

***In most cases, CMs and PMs should be able to require documentation within a reasonable amount of time, i.e. one to two weeks depending on the document requested. For our reviews, we should be able to respond depending on the request within one-two weeks. Exception to our requirements– media approval, time study approval not submitted with the plan and curriculum approval.***

## 19) CX3

Q) How does CX3 fit into current USDA guidance? Doesn't the guidance restrict environmental and policy change, and isn't this what CX3 is about?

**A) *CX<sup>3</sup> is a program planning framework for Network health department LIAs to conduct at the beginning of a multi-year contract period. CX<sup>3</sup> allows for the evaluating of conditions and factors in FSNE-eligible neighborhoods so that more strategic nutrition education interventions and activities can be developed to prioritize and best address the needs of residents living in those neighborhoods. USDA***

***Administrative Notice (05-28) allows for assessments where it is integral to general FSNE nutrition education and environmental and policy change when conducted by others, including low-income consumers is allowable program planning. Within the context of a nutrition education intervention, FSNE staff may promote ideas for improving access to healthier foods in low-income communities. CPNS has found CX<sup>3</sup> to be an excellent way to empower consumers and communities so they can act on traditional nutrition education.***

Q) What are Health Departments supposed to do when they don't have enough room in their budgets to absorb the cost of conducting CX<sup>3</sup>?

***A) As noted during the CX<sup>3</sup> webinar to prepare health department LIAs during the FAP process, CX<sup>3</sup> should be considered part of an agency's overall evaluation costs (approximately 10% of a budget). In preparation of the FAP, contractors should ensure that they "make room" in their SoW and budgets to conduct CX<sup>3</sup> and information is provided as part of the FAP materials. For those health department LIAs with federal share under \$250,000 CPNS has provided for some additional resources. Please feel free to contact the PM or Valerie Quinn with additional questions.***

Q) Creating mandated objectives and evaluation requirements creates funding difficulties – although CX<sup>3</sup> and impact evaluation are valuable, they inevitably mean that some other program component has to be dropped to pay for these.

***A) Thank you for recognizing the value of evaluation and program planning. The goal is to focus and strengthen nutrition education strategies and interventions in order to reach a critical mass of intervention activity across the State. With evaluation, this also helps streamline administration and reduce paperwork. Perhaps a SoW activity needs to be deferred, or you may want to suspend an activity because you think it may not be as effective as you'd like. Please feel free to discuss with your assigned PM for ways to make sure your SOW is manageable, streamlined and most effective for delivering your program. In addition, the Network is working with local partners including CAN-Act to achieve a more templated scope of work in order to reduce paperwork and administration. We will strive to find the correct balance between standardized and customized work plans.***

**20) Disallowances/items questioned by Network:**

Q) LCD projector.

**A) Should a contractor be able to demonstrate a LCD projector as being a “reasonable and necessary cost,” the item may be an allowable expense. Requests to purchase LCD projectors should follow pre-established guidelines for electronic equipment, like laptop computers, desktop computers, and flat screen monitors. These guidelines include:**

- **Justification to the CM that includes explanation about why the equipment is necessary in order to execute the SOW, which activities the equipment will be used for, and which SOW objective(s) the equipment is needed to support**
- **Obtaining three bids to ensure the lowest price**
- **Purchase of a LCD projector should be tied to a field position**
- **Staff position should be at least .50 FTE in the field**
- **Equipment cost is prorated with other programs by FTE**
- **Equipment cost should be reasonable and necessary within the guidelines of the California Department of General Services CMAS Local Government Agency Packet.**
- **Contractors will be allowed to purchase LCD projectors according to the following budget amounts:**

**Federal Share Budget:**

**Under \$500,000: 1 LCD projector**

**\$500,000-\$1,000,000: 2 LCD projectors**

**\$1,000,000 or more, RNNs, and coalitions: 3 LCD projectors**

- **Equipment useful life timeline for IT equipment is seven (7) years for word processing equipment per State Administrative Manual (SAM), Chapter 3720.**
- **If approved, the equipment must be tagged with a State Equipment I.D. number and returned to the State at contract’s end.**

**21) 50% Nutrition Content - 50% Nutrition education**

Q) Brochures on PA that don’t have 50% nutrition content, even when they are part of a package that will be distributed that is more than 50% nutrition education.

**A) FSNE staff may use FSNE funds to promote Physical Activity in the context of nutrition education, but may not use FSNE funds to develop stand alone Physical Activity materials or projects. Allowable/Unallowable 2008 chart section 11 Physical Activity Promotion, page 13.**

## 22) Harvest of the Month

Q) Non-fruit and vegetable ingredients for recipes to be demonstrated; non-Harvest of the Month (HOTM) recipes.

***A) A recipe criteria and approval process is currently being finalized by CPNS which will promote healthy non-fruit and vegetable recipes that are consistent with the 2005 Dietary Guidelines.***

## 23) LIAs - Local Collaboratives

Q) Mixed message being sent by requiring LIAs to participate in local collaborative, but not allowing them to participate in collaborative workgroups such as school wellness if it's not in the LIA's SOW. It seems that the *Network* wants the LIAs to go to meetings, but not actually participate in getting the work done....CRAZY-MAKING.

***A) The Regional Collaboratives include both non-Network and Network funded partners. Therefore, not all topics and activities are FSNE allowable. For non-FSNE allowable topics or activities Network staff may support those activities and leave it up to non-Network funded partners to implement the activities. Regional Collaboratives provide an opportunity for the community to be involved.***

## 24) Retroactive Disallowance

Q) Concerns about having a budget item retroactively disallowed (e.g., school nurse) has caused projects to take them out of budget altogether.

***A) The Network sympathizes with contractors that experience changes in their planned activities due to USDA disallowances. The Network recognizes these unexpected changes can impact a contractor's ability to conduct needed work in their respective communities. USDA has advised CPNS that the Annual Guidance should be changing minimally for the next funding cycle. As the FSP expands and changes in future years, more modifications from the USDA can be expected.***

***The Network attempts to mitigate these changes during the contract negotiations process. During this time, CMs and PMs review proposed budget justifications and SOWs to identify potential expenses or activities of concern. Together with the contractor, these documents are modified to reflect the implementation of the current allowable chart for activities and expenses. Additionally, as the Network becomes aware of USDA disallowances and other changes, we strive to notify contractors as quickly as possible to minimize any disruptions to their ongoing activities and expenses.***

## 25) Restaurant Activities

Q) Local projects are leery of conducting restaurant activities, so have largely dropped them.

**A) *USDA Guidance is very prescriptive regarding FSNE services in partnership with restaurant, they may use FSNE funds to do so only in restaurants that are both authorized to accept food stamps and located in geographic areas meeting the FSNE targeting criteria (e.g., at least 50% of their clients have gross incomes at or below 185% FPL). Allowable/Unallowable 2008 chart section 18 Retail, Restaurants and Worksites, page 20. As long as the restaurant meets these criteria, partnership is allowable. It appears that an increasing number of County Food Stamp Programs are working with restaurant chains, which may provide future opportunities for interested projects.***

## 26) Program Compliance Review Team (PCRT) Documentation

Q) Compliance review findings: WIC share needs more documentation.

**A) *An official agreement regarding WIC costs is being developed between WIC and Network management. There will be a Memo of Understanding between State WIC and CDPH regarding leveraging WIC funds as part of the Local Incentive Award Program. Also, an alternative time study has been developed for use by local agencies to track FSNE time separate from WIC time.***

Q) Teacher time studies that were based on templates were deemed unacceptable; teachers must complete their time forms anew each reporting period. This program is developing a training to reinforce that time studies should be completed as precisely as possible each reporting period.

**A) *USDA Western Regional Office (WRO) requires Weekly Time Logs (WTL) be maintained for any part time staff (state or federal share). If time study is preferred, it must be preapproved with the annual plan by USDA WRO. The PCR Team does not approve or disapprove time studies. Time studies must be submitted with FAP documents.***

Q) Another program noted that the PCR Team said that billing needs to be based on time study hours, not the estimated percentage in local share budgets.

**A) *Per USDA guidance and program letter (May 17, 2007), all FSNE expenditures claims (invoices) must be based on actual costs. Billings should be based on actual costs and not estimated percentage time in local share budgets.***

Q) What documentation forms and systems of technical assistance are available? (e.g., excel forms, powerpoint for training, etc.).

**A) We included a component on PC Reviews into the annual Fiscal Trainings conducted in December 2007 and January 2008.**

Q) A Network paid staff person is assigned to collecting time logs from teachers – the assigned nutrition educator for a school also collects documentation/time logs from that school.

**A) This sounds like a beneficial arrangement.**

Q) A school district produces a cumulative spreadsheet where salaries are listed and hours are inputted – must salary also appear on time logs? (I provided tentative response that I believed the PCRT would appreciate having salary on time logs, but this isn't required)?

**A) Salaries do not have to appear on the time log but during a PC review, a summary spreadsheet of staff and salaries must be provided to streamline the review process. Instructions and a sample spreadsheet is provided to contractors as part of the PC Review Instruction packet that is sent to the contractor eight weeks before the PCR.**

Q) If a contractor doesn't include Paid Time Off in state share, is it necessary to track this and to run reports on it?

**A) No.**

Q) For weekly time logs submitted by personnel who continue to do the same work for the same number of hours over time, can't an affidavit be substituted?

**A) USDA will not accept affidavits as a form of documentation. USDA currently requires WTLs. Any alternate method requires review and approval by USDA WRO with the submission of the annual plan.**

Q) Schools have found that over time, teachers are good about completing and submitting time logs, but tend to get "thrown off" with each change to the form.

**A) We agree that changes are difficult. The Network usually makes changes because of USDA changes in the annual guidance or due to program letters issued by USDA. The Network is striving to standardize and simplify the documentation so that it also does not penalize local agencies by under reporting state share.**

Q) Instructions for time logs need up dating – there are categories of activities that have no examples.

**A) A revised WTL program letter was issued December 2, 2006. A revised WTL form and instructions were included. Please let us know if you**

***have any additional specific recommendations, as we would be glad to include clarifications in the Contractor's Manual.***

- Q) Why is a payroll system that uses cost centers, along with job duty statements, not a sufficient paper trail? ***A payroll system will be sufficient paper trail for documentation of expenditures but does not alleviate the requirement to track staff time.***

## **TIME TRACKING**

### **27) Frequent Changes**

- Q) Network needs to provide any new or revised forms before contract year starts, and needs to provide opportunities for input into development of forms.

***A) CPNS will make an effort only to change forms at the beginning of the federal fiscal years and avoid mid-year changes. If USDA requires a change, we will formally request that the change be implemented in the next fiscal year. This may or may not be agreed to by USDA but CPNS will make the effort. CAN-Act will be reviewing all FAP documents for FFY 2009.***

### **28) Time Logs Form Changes**

- Q) Schools have found that over time, teachers are good about completing and submitting time logs, but tend to get "thrown off" with each change to the form.

***A) CPNS will not be changing the time tracking or time study forms for FFY 2009. Please make sure you have the most current version which can be found at [www.dhs.ca.gov/ps/cdic/cpns/network/FiscalGM.htm](http://www.dhs.ca.gov/ps/cdic/cpns/network/FiscalGM.htm) in the appendix. Forms now require a supervisor signature.***

### **29) Changes**

- Q) The constant changes are frustrating, even when the change is intended to "simplify."

***A) Agreed. We will try to make minimal changes to Network documents.***

### **30) CM/PM Assignment Changes**

- Q) There are frequent changes in assignments for PMs and CMs which is disruptive to local projects.

***A) Staff turnover and retention of staff are very important issues to CDPH and CPNS. It requires an investment to train and mentor new CMs and PMs. Unfortunately, there are issues with the existing State title and***

*pay that will need to be improved before this problem can be rectified. Supervisors attempt to make the least amount of changes to staff contract assignments changes. Finally, CPNS is currently experiencing a baby boom, and we ask for your continued patience.*

### 31) Impact Evaluation

Q) Delay in getting tools approved has resulted in one project having too short a data collection window to meet Network's impact evaluation requirements (e.g., 8 rather than 28 weeks), and pre-tests being given after start of intervention.

*A) CPNS offers apologies to the project that did not administer the pretest on the expected date. It was unaware of such a delay. CPNS has contracted/assigned additional staff to assist with FFY 08 impact evaluation. CPNS is committed to responding to contractors in a timely manner.*

*CPNS would invite the person responsible for evaluation at that project, or any other one, to call and follow-up on delays in the future. If the delay for that project was the responsibility of a tardy response by the State it would certainly have relaxed the evaluation requirements to accommodate the project. We offer our apology to that project.*

Q) Perceived inconsistencies in letting some programs develop their own evaluation tools, but others have been told they can't. In same vein, why can't evaluation tools be adapted or modified to fit needs of a specific intervention?

*A) The CPNS has consistently applied the same standards to all projects participating in the impact evaluation. The individuals leading the impact evaluation for CPNS have promulgated through capacity building events like trainings, teleconferences, one-on-one technical assistance, and printed materials that they will work with contractors to adapt add questions to, or otherwise customize surveys to ensure the survey matches the intervention. The Network is committed to assessing impact by using appropriate measures of success for the specific intervention, so this norm will continue. To the degree that local projects conduct standardized interventions, the workload and time delays are reduced.*

*In the same vein, the Network has communicated, through the same capacity building events mentioned above and the Impact Evaluation Handbook (available online), that reliable and valid surveys are necessary for the results of an evaluation to be credible. Trainings are offered annually throughout California that address this in detail.*

*CPNS is doing ongoing research and contact with others in the field to become aware of new, validated measures related to fruit and*

***vegetable intake and physical activity and related determinants that are appropriate for our target population.***

Q) What is state doing with the impact evaluation data they collect? Is some sort of user-friendly cumulative report going to be given to the local projects?

***A) CPNS uses the impact evaluation data to justify funding from USDA, work with contractors to refine nutrition education activities, and guide future evaluations. In 2005-07, contractors that conducted evaluation participated in regional Capacity Building workshops and post Social Marketing Conference sessions to share their results in a peer-to-peer format. Each year the Network hosts small group teleconferences that provide contractors an opportunity to describe nutrition education evaluated, results and plans to improve interventions. These too are peer-to-peer interactions that allow participants to gain, in a user-friendly format, an understanding of evaluations taking place in similar channels. This will continue in 2008.***

***It is worth noting that in FFY 2006 the State developed and implemented a unique and innovative data entry system that provides contractors the results of their evaluation as soon as the data are entered. This process closes the gap between data collection and receiving results.***

***A cumulative report describing FFY 2007 impact evaluation findings from all projects will be written and distributed to all participating impact evaluation contractors.***

Q) Some projects have been told that they can't evaluate the same component (it was shown to be effective), but are not given any direction about a different component to evaluate instead.

***A) In the cases where components have been shown to be effective contractors are directed to evaluate another aspect of their SOW so money and time are not spent on repeating the same evaluation. Program Managers, NECs and State staff have been available to help them identify a direction, even if it involves making an informal change to their SOW. It is the contractor's responsibility to choose the question their evaluation will answer and the State's responsibility to ensure that sound methods are used to answer that question. This is an ideal time to focus on delivering more interventions and assuring that it is delivered properly so as to obtain results shown in prior evaluations.***

Q) Projects required to conduct impact evaluation are largely unaware of what other projects are doing for impact evaluation, and don't know who to call for peer mentoring.

***A) CPNS has several mechanisms that contractors can use to become aware of the evaluation activities of other contractors. Prior to the annual teleconferences, described above, contractors are invited to share their impact evaluation reports and contact information with others participating in the teleconference, thereby offering them an opportunity to become aware of the impact evaluation activities of other contractors. In addition, projects can contact their Program Manager, NEC or staff in the Research and Evaluation Unit to become aware of the work other contractors do for impact evaluation.***

### **32) Inconsistencies in Rules Interpretation**

**Q) Is there a limit on the number of SOW changes and BARs in a fiscal year? (Guidance manual states "In general, informal changes are limited to no more than one (1) each contract year).**

***A) The rule is that informal changes are limited to no more than one (1) each contract year. CPNS has made exceptions to the rule. The main reason for an exception would be when USDA denies expenditures during the Plan process. In this case, we generally request that Network contractors do an informal BAR to reduce the budget.***

***BAR privilege can be revoked for noncompliance. (See Fiscal GM) Unfortunately, the current privilege of doing informal changes to SOW and BAR has been challenged. On September 17, 2007 the Department's Administrative Relief provisions were revoked by the Department of General Services. The Department (CDPH) is currently working with DGS on this matter and will keep you posted. At present, it appears that we will not be able to make any changes to contract SOW or Budget Justification without a formal amendment. For FFY 2009, contract terms will be restricted to a maximum of two years.***

### **33) SOW Adjustments**

**Q) Questions about SOW adjustments: one program was told they can make only one informal adjustment per year; others have been told they can deviate at all from their project summary. What's the answer, and where can folks find it in writing?**

***A) Guidelines and instructions for making informal Scope of Work amendments and Project Summary changes will be provided in the updated LIA Guidelines Manual soon to be available. A Project Summary addressing both State and Federal Share is submitted, reviewed and approved by USDA each year. Ideally, very few changes will be made to the contract over time. All changes in terms of activities and locations must be pre-approved by the Program Manager.***

### 34) Alternative Site Qualification

Q) Are there written rules for alternative site qualification (e.g., beyond the current allowances for 50% census tracts, free and reduced school meals, etc.) – people have been told they can't ask people directly for income or program participation, so what are the alternatives?

**A) *See USDA Food Stamp Nutrition Education Guidance, March 2007, pages 8- 11 USDA guidance states that all sites must be within qualifying census tracts or demonstrate that at least 50% of the participants meet the 185% FPL targeting requirements. If intervention sites are not located within qualifying census tracts or if a contractor cannot demonstrate that at least 50% of the participants meet the 185% FPL targeting requirements, USDA allows prorated costs based on the percent of people in the area at 130% FPL. Contractors should contact their assigned Program Manager to discuss possible alternative methods for qualifying sites. One possible alternative is to use a client information form, to be completed by the agency where the intervention will take place, which would provide collective information on the agency's clients in order to determine FSNE eligibility. (This method is currently being used by the City and County of San Francisco Department of Health).***

### 35) Rules Interpretation

Q) What is Network doing to improve consistency in rules interpretation?

**A) *CPNS staff has developed a matrix that is updated on a monthly basis that addresses interpretation of USDA Guidelines and Allowable/Unallowable Chart. This is given to all staff, discussed at CM/PM monthly meetings, and reviewed with new CPNS staff. Interpretation is developed during the USDA Plan process, if USDA questions a project's budget; targeting, etc, an interpretation is determined and placed on the matrix.***

***This new internal process will increase consistency in rules interpretation for specific circumstances. We currently hold monthly meetings with Contract Managers and Program Managers to discuss similar contract issues and come to an agreement and to respond consistently. Please keep in mind each situation has different circumstances that need to be considered.***

### 36) BARs

Q) What is story on BARs? One program has been told they can do only one, others have not. Why different?

**A) *The rule is that informal changes are limited to no more than one (1) each contract year. CPNS will make exceptions to this rule if USDA***

*denies expenditures on a contract during the Plan process. In this case, we are requesting that Network contractors do an informal BAR to reduce the budget. BAR privilege can be revoked for noncompliance. (See Fiscal GM)*

### **37) State/USDA Allowability**

Q) Recommendation that State contracts and USDA guidance be the final arbiter regarding the allowability of program practices.

*A) To determine the allowability of an activity/item, several different things need to be considered. CDPH rules and regulations, since Network contractors are administered by CDPH, USDA Guidance, and the Office of Management and Budgets (OMB) Circular. The USDA Guidance does not address many different scenarios. To make interpretation more complex, OMB Circulars vary by the type of agency, so rules are not always the same. The CPNS allowable/unallowable chart includes policies on all the scenarios that have been denied by USDA in previous years. If CPNS allows Network contractors to submit activities based on just the CDPH contract and USDA Guidance, there will be a significant increase in denials during the Plan process. Unfortunately, once an activity and budget is submitted and denied, there is no opportunity to resubmit. Denials delay the entire contract process and jeopardize funding for all contractors.*

### **38) Number of BARs and SOW Adjustments**

Q) Is there a maximum number of informal BARs and SOW adjustments permitted in a year, and if so, what's the best timing?

*A) All Scope of Work revisions must be pre-approved by the PM prior to starting or discontinuing any activities. The informal SOW amendment instructions do state, "in general, informal changes are limited to no more than one each contract year." The best time to execute a BAR or SOW amendments is after third quarter invoice and no later than August.*

### **39) Project Notes - Allowables**

Q) When comparing notes, projects have found differences in what they've been allowed to purchase.

*A) Each project and situation has different circumstances that need to be considered when determining whether a specific purchase is "reasonable and necessary" to fulfill the Scope of Work and allowable under FSNE. Differences often occur with numbers of pieces of equipment, taking into consideration the size and budget of the organization, as well as the FTE of those using the equipment.*

#### 40) Interpretation

Q) Network needs to improve consistency in interpreting and applying rules – allowable budget items, allowable activities, allowable conference attendance, etc.

**A) A matrix has been developed to improve consistency with the interpretation of USDA Guidance.**

#### 41) BARs

Q) BARs are time consuming and eat administrative staff resources, yet they're required every time a project invoices if there are even small discrepancies between budget and spending.

**A) It is required that BARs are done for even small discrepancies to ensure fiscal integrity. Network is funded with the USDA Food Stamp Program dollars, and CPNS is required to account for any changes to the Plan Budget.**

#### 42) Invoicing

Q) Reasons that contracts aren't fully billed down:

- Projecting salary increases that don't happen.
- \$50,000 or 10% budget adjustment limits.

**A) See answer for #43 below.**

Q) Lot of concern over the delay in invoice payments:

- One program has not been paid on their first two quarters of 06-07.
- One program still trying to get 05-06 BAR finalized and approved.
- Another program didn't get any 05-06 payments until well into 06-07 FY.

**A) CPNS staff will review and approve invoices within 10 working days from receipt. If there are problems with the invoice, the CM will contact the contractor during this period. Once an invoice is received by the CDPH accounting section, it is processed into a payment within approximately 25-30 working days. The payment schedule is then sent to the State Controller's Office where a warrant is mailed within 15 working days. The Network's total invoice processing time can take approximately 45 – 60 working days (also see Fiscal Guidelines Manual, 604 Payment Time Frames).**

**CPNS has been working on implementing a new contract monitoring system "GIFTS" that will provide reports on outstanding invoices and payments to contractors. We anticipate that the new system will improve many of our internal administrative processes.**

***BAR approval requires that the changes are programmatically justified and do not extensively alter the approved scope of work. Contractors must also resolve any other pending programmatic or fiscal issues prior to approval of the BAR.***

#### **43) Line Item Transfer Limit**

Q) Contractors noted that they would be able to bill down more of their contracts if they were able to move more than \$25K between lines and \$50K total.

***A) CDHS had Administrative Relief that provided the ability to do line transfers in Network contracts. We were one of two Departments in the State that have this ability. Generally, without Administrative Relief, there is no line transfer authority, no informal SOW or budget changes, maximum term of contracts is 2 years, and detailed budget justification is required. With the Department split, Administrative Relief is in jeopardy and we are currently fighting to preserve the budget line transfer ability. We have appealed this revocation and hope that we prevail to maintain the privileges that we currently have. CAN-Act should work with decision makers to establish exemption for Network contractors which would allow us to have a larger line transfer amount.***

Q) How can the \$50,000 max line item shift be changed?

***A) The line item shift limits, as stated in all CPNS contracts, were established by the Department of Public Health, Contract Management Unit; therefore, CPNS does not have authority to change these limits.***

Q) Personnel is generally the largest line in a budget, and vacancies can take months to fill – so projects often turn to independent contractors, which fall under “subcontracts” in the budget. This means over-spending in subcontracts, and under-spending in personnel, resulting in the inability to bill down entire contract.

***A) CPNS recommends that Project Coordinators work closely with their fiscal office during the FAP process and throughout the contract term to forecast/project spending patterns and/or to identify allowable line item shifts to spend down the entire contract budget. CPNS also recommends that contractors who anticipate delays in filling vacancies not budget 100% for those vacant positions.***

#### **44) Network Spending, Allocation of Resources**

Q) As contractors drop out (e.g., Fresno, Santa Cruz, etc.) how is that LIA budget being reallocated?

***A) We currently generating more State Share (\$107 million) than we are allowed to use in federal share (\$105 million) due to Federal Share***

*budget cap. This is a good thing, since most contractors do not fully spend either their state or federal share budget; Contractors generally spend between 50 - 80%. If more contractors drop out, or USDA lifts the cap, we will hold open solicitations for new contractors. We have maintained an open solicitation for County Health Departments. Food Stamp Outreach, which is a separate USDA Plan requiring separate accounting is not affected by the federal cap on FSNE services. In the future, we would hope to come up with a process to allow Contractors that spend down their budgets responsibly to grow.*

Q) How much did the re-branding effort cost?

*A) The Re-branding Consultant's contract was approximately \$62,000. In addition to the consultant, CPNS staff time and graphic support were dedicated to this effort. We do not have an estimate of these costs at this time.*

Q) Why does the State keep 50% of federal share in all three years of a 3-year contract?

*A) We are required by our Plan with USDA to 1) administer and oversee the Network for a Healthy California, 2) to provide a Regional Infrastructure for campaigns, collaboration and networking for our contractors, 3) to provide mass communication support (advertising, media, public relations) required to create behavior change that are not able to be provided by community agencies alone, 4) to provide evaluation for the entire Network for a Healthy California, 5) to provide technical assistance, training and materials to all Network contractors, 6) to provide grant opportunities that address disparities found in FSNE-eligible populations, increase geographical reach of the Network to areas that might not be able to generate the state share, and engage leadership groups in innovative projects. This is required of us annually by USDA and requires that we use federal share.*

Q) Perception is that administrative costs reduce in subsequent years of a contract... Projects noted they wouldn't begrudge the 50% kept by Network if Administrative burden were reduced.

*A) CPNS continues to work towards reducing burdens but we have to consider the policies of different agencies; USDA, OMB, CDPH, CDSS.*

Q) They stopped changing procedures and forms in the middle of the year.

*A) CPNS will make an effort to introduce changes during the FAP process only and minimize changes wherever possible. Many of the changes are out of our control (required by other agency), and we do try to avoid them or delay whenever possible.*

Q) Provided contractors with opportunities for genuine input into policies and procedures.

***A) Since FFY 2006 CPNS has worked with CAN-Act to get input from contractors on FAP and policies. Please contact Melody Steeples at CAN-Act to volunteer to provide input.***

## **REPORTING**

### **45) Hard Copies/Electronic Copies**

Q) Why are hard copies of report attachments required if they're available electronically?

***A) This is a good suggestion that will be discussed further before a decision is made. There are concerns about organization (e.g. labeling) of the attachments, review process and audits.***

### **46) Too Many Forms**

Q) Reporting – way too many forms. State should require only one activity tracking method and a narrative report of contractor's progress; state should glean any other reports they want from these forms.

***A) The goal has been to have one master form that is web-based to gather all required information from Network Contractors. With new IT staff, CPNS may now be able explore this suggestion.***

### **47) RN Issues**

Q) RN budget not adequate for required deliverables and hasn't kept up with COLAs. Some RNs are now in the position of having to cut staff positions because contract limit hasn't kept up with costs, but deliverables don't decrease.

***A) The Network will not be able to increase the Regional Network budgets at this time, and state staff are diligently working on reducing and streamlining the required deliverables within the SOW for the new contract year. These considerations will be included in the pending Request for Application for Regional Networks.***

Q) Why is RN staffing pattern so inflexible? Why can't RN agencies determine their own staffing needs? One RN coordinator was told by a Network staff person that the Network campaigns "run on passion, not money" in response to query about whether additional funding would be provided with the additional deliverables the Network gave to RNs.

***A) Minimum staffing requirements were established for each campaign and program to ensure the equitable, efficient, and effective implementation of the activities in the scope of work. Funds for each campaign and program were projected to adequately support each***

***deliverable in terms of staffing and complete program execution. The deliverables, staffing and budgets will be fine-tuned in the future.***

- Q) Required to have a half FTE for retail campaign, but this position really needs to be full time.
- A) Please feel free to discuss with your PM or the Retail Program staff how to make your retail activity implementation more manageable and efficient.***
- Q) SOW has a lot of deliverables for the amount of the grant.
- A) CPNS appreciates that the Regional Network contracts are ambitious and knows that most have done an excellent job of meeting the SoW requirements. Please remember that these contracts are funded from the Federal Share and, as such, have a unique responsibility in reaching high expectations and maximizing efforts.***
- Q) Zero growth policy will likely mean no mini-grants because of the cost of COLAs.
- A) Thank you for the feedback.***
- Q) Is there a cap on indirect? The university's indirect rate (27%) makes it hard to run their program effectively; if the University was forced to accept lower rate, would be able to stretch dollars further.
- A) Thank you for trying to find ways to stretch your Network dollars but, at this time the Network is required to reimburse contractors their federally negotiated indirect rate. For Colleges and Universities, this is limited to their off-campus rate, a USDA requirement.***
- Q) Travel: mandatory meetings means that travel dollars don't go very far.
- A) CPNS recognizes the importance of meetings and training as a way to ensure consistency and quality among the regional staff involved in such trainings and/or meetings. CPNS is striving to better coordinate all its required meetings and trainings, as well as find other modalities for such.***
- Q) What are expectations of RNs vis-à-vis LIAs?
- A) One of the key goals of the Regional Network contracts is to maximize information, networking/coordination, training, resources and potential impact of Network-funded projects in the regional areas. Network LIAs are seen as the priority within the Network funded projects.***
- Q) There needs to be consistency and parity in what's expected of RNs – for example, one RN has recently had a new requirement imposed. All RNs,

regardless of population density and other demographics (e.g. requirement for all RNs to work with 20 worksites), especially given the difficulty in finding eligible census tracts and sites.

***A) The scope of work and budget for the Worksite Program was consistent across all regions. The minimum requirement of 20 qualifying worksites per region was reasonable given the demographics, population density, and availability of qualifying worksites. The minimum number of 20 worksites was extended over a 2-year period through September 30, 2008 to accommodate the sell-in work that is needed to secure viable and sustainable worksite partners. In terms of qualifying worksites, all GIS race/ethnicity data layers can be used, and the Worksite Program personnel have lowered the minimum number of employees to be reached per worksite in some regions when necessary. In addition, all regions can utilize a new qualifying procedure that links the employee addresses back to their residential census tracts using the 185% FPL 50 % rule. This allows them to identify worksite partners that are outside the qualifying census tracts.***

#### **48) State/Local Share – Losses, New Sources**

Q) Sources of funding to make up for WIC losses?

***A) Partnering with First 5 Commissions, schools, after school programs, health care clinics, and community-based organizations doing nutrition education with the Network audience might provide some ideas. We recommend meeting with your CM/PM team and discussing options. CPNS has been working with State WIC, CAN-Act and local agencies to try to identify additional options.***

Q) School district was using food service/cafeteria personnel, but due to difficulty in “proving” allowable time, stopped using this source and now use classroom teacher time almost exclusively.

***A) There has been pushback in % of time USDA believes is acceptable to claim as state share for food service/cafeteria personnel. Anything more than 20% requires justification with >40% probably at significant risk of denial.***

Q) Local share no longer allowable: USDA is saying that cafeteria/food service worker time at schools can't legitimately be claimed as conducting nutrition education even when 15-20% is paid by local funding – have only been allowing 5%. (Contradiction is that cafeteria workers can have a large influence over what kids eat through messaging, modeling, etc.) (Of note is that one CVR program has been allowed to keep cafeteria workers, but another was told they couldn't..., yet the category of “food service worker” is among the staff positions listed by the Network for budget purposes.)

**A) CPNS agrees on the importance of food services workers and their influence on choices in the lunchroom but this must be part of a larger mix. As above, anything more than 20% requires justification with > 40% at significant risk of denial.**

Q) One school has identified teachers for “severely handicapped” as one new source of State share – the children in this category are usually food stamp eligible, and much of the work by the teachers with these students is around such life skills as food selection, food preparation, and related nutrition topics.

**A) The school must verify that this special audience qualifies for nutrition education services since they may or may not be income eligible.**

Q) Sources of local/state share: First 5? Some agencies are using time studies and operating costs. With respect to grant making done by First 5, one participant stated concern that agencies receiving First 5 grant would have to do time studies, paper trail, etc. so does not use that.

**A) There have been challenges partnering with First Five especially using their mini-grants as state share. Unless the mini-grants have budget justification and scope, USDA puts them in “pending”. First 5 funding has been required to prorate for nutrition education content, which has been challenging.**

Q) What are counties are doing about WIC local share? Counties using “uncompensated indirect” as match are taking a big fiscal hit – recommended going forward with a statewide call to talk about possible documentation strategies. Start with survey, and then potentially have a meeting about this in conjunction with WIC Task force in August.

**A) The meeting with CDPH & WIC occurred in August and was followed by a teleconference with all affected contractors in January 2008. CDPH has drafted a state-level MOU with WIC and an alternative time study methodology. We are waiting for approval from State WIC and USDA on the drafts. We anticipate that these will be approved and ready for the FFY 2009 FAP.**

Q) What is being done about loss of WIC match?

**A) For FFY 2009, the Network is unable to make-up losses of state share to WIC agencies. Individual WIC agencies are trying to identify partners to make up some of their losses.**

Q) Health departments want assistance in identifying alternative sources of in-kind/state share to make up for losses from WIC, time study inadequacies, etc.

**A) Health Departments should work with their assigned CM/ PM in reviewing sources of state share and determining their feasibility and**

***allowability. The alternative time study methodology will be available for agencies to use for FFY 2009 to capture state share salaries dedicated to FSNE. CPNS continues to work with State WIC, and CAN-Act on this matter.***

Q) Concern about loss of WIC match.

***A) CPNS is also concerned, as this impacts many local health departments as well as the overall CPNS budget.***

Q) Loss of WIC local dollars needs to be resolved (“uncompensated indirect” must now be documented as actual costs).

***A) WIC agencies must document actual costs for FSNE nutrition education. This can hopefully be accomplished by developing an approved time study.***

#### **49) Technical Assistance**

Q) When will the guidance manual be updated and online?

***A) The Fiscal portion of the Guidelines Manual has been updated and is on- line at [www.dhs.ca.gov/ps/cdic/cpns/network/FiscalGM.htm](http://www.dhs.ca.gov/ps/cdic/cpns/network/FiscalGM.htm). The program section of the manual is under final review.***

#### **50) TA Resources**

Q) Can the state compile a list of technical assistance resources available to projects?

***A) See the CPNS web site. We will be working this year to improve the CPNS website so that projects can easily access information they need such as a Technical Assistance contact list. Also, CAN-Act will be working on a list of resources as part of their scope of work.***

#### **51) Technical Assistance for Contracting Issues**

Q) One program manager felt regionally available TA for contracting issues would be useful and could be a more useful role for RNs than current RN functions.

***A) This suggestion is being considered.***

## 52) Allowable Activities Samples

Q) Recommended taking list of allowable activities and coming up with brief descriptors/ sample activities.

***A) This is an excellent suggestion. The Network will consider implementing this during a future Guidelines Manual update. Additionally, SOW templates developed with CAN-Act will be piloted for FFY 2009.***

## TERMINOLOGY

| <u>Don't say this</u> | <u>when you mean this</u> |
|-----------------------|---------------------------|
|-----------------------|---------------------------|

|              |   |
|--------------|---|
| "garden"     | "education in outdoor setting or outdoor classroom" |
| "stipend"    | "honorarium"  |
| "mini-grant" | "sub-contract"                                      |
| "advocacy"   | "education"   |
| "snack"      | "tasting"   |

- Always describe "physical activity promotion" and don't simply say "physical activity."
- Be sure to indicate that staff are supporting and not leading activities such as school wellness policies, walk to school, etc.
- "Fill-in-the-blank" style SOW templates might be useful, but probably also want the more traditional style.
- Terms to avoid:
  - \*Policy
  - \*Incentive
  - \*Mini-grant
- Terminology – "assessment = formative research," "advocacy = empowerment or public education" ("advocacy" is not specifically prohibited; the disallowed activity is "organized efforts to influence public officials and lobbying for legislative/policy changes")

***A) Thanks for suggestions. They will be considered.***

## 53) Consultant vs. Subcontractor

Q) How is "consultant" differentiated from "subcontractor," and where in budget is "consultant" line supposed to be incorporated?

***A) It is important to follow your agency's guidelines dictating the distinction. However, for the purposes of Network contracts, a subcontract it is generally seen as an organization that contracts with a Network contractor and has been assigned a part of the original prime contractor's scope of work. There is a contractual relationship between the subcontractor and the prime contractor for the entire costs of the portion of the scope of work that the subcontractor has***

***been assigned by the prime. A subcontractor provides services with minimal oversight from the prime. A subcontractor generally charges indirect costs. Subcontractors generally have a federal tax identification number.***

***A consultant charges hourly or daily rates for services performed. They can also charge for other expenses like travel and special materials or printing costs as long as they are allowable by USDA. There is usually a consultant agreement that details the work to be accomplished and the number of hours or days required to complete the project. Consultants build into their hourly charges their infrastructure support costs such as facilities costs, communications costs equipment, etc. A consultant generally requires a 1099M.***

***Care should be taken to separate a consultant relationship from an employer/employee relationship. If the consultant is not paying their facilities costs, equipment and infrastructure support costs and is working 80-100% on your project, then the relationship may be an employer/employee relationship as defined by the IRS.***

***The Network holds a Prime Contractor responsible to communicate to their subcontractor or consultant all the programmatic and fiscal requirements of Network contracting; including the reporting requirements.***

#### **54) PM Interpretation**

Q) Biggest problem encountered is the inconsistent interpretation by *Network* program managers of what something means and which terms are OK to use. A few suggestions for reference:

- “Technical assistance” – folks have been told that this requires keeping a log. Better to find alternative phrasing – “Support,” “provide information and resources,” etc.
- “Environmental change” not allowed – “community change” is acceptable
- “Assessment” or “needs assessment” not allowed – “site survey” generally is
- “Raffle” – use “drawing”
- Also, once something has been disallowed, be prepared to propose a wholly revised activity.

***A) This is a good suggestion, and one the Network will consider implementing during an upcoming Guidelines Manual update. CMs and PMs regularly meet – both individually and on a monthly basis. During regular CM/PM meetings, the Network will strive to create and implement agreed upon language that will be communicated to contractors. Caution –Word-smithing should not be used to cover up non-allowable activities.***

## **GENERAL CONCERNS**

### **55) PM Site Visits**

Q) Program managers need to actually visit the programs they're "managing."

***A) We agree and we have plans to discuss ways to make this more feasible in the future. For example, we are currently trying to hire additional Program Managers.***

### **56) Approval Process**

Q) Approval process is out of control. Some approvals have taken as long as three months; another example given was where Project A got approval from their program manager to use a specific lesson with children; Project B thought it was a good lesson and borrowed it from Project A, but to be safe, ran it by their own program manager, and Project A's program manager said it wasn't allowable! The Network is micromanaging local projects; it's no wonder their workloads are unmanageable.

***A) Although we aim to review materials within 10 business days, the time required depends on the type and quality of the material submitted. As a result of being more involved in our contracts activities, we have a better understanding of what the projects are doing. Each year USDA questions certain activities and expenses, which cause us to be more cognizant of the activities contractors, are conducting. This is done in an effort to avoid disallowance of reimbursement for activities determined to be unallowable by USDA in the case of an audit. We have established a process to increase consistency in rules interpretation for specific circumstances. We currently hold meetings with Contract Managers and Program Managers to discuss similar contract issues and come to an agreement to respond consistently. Please keep in mind each situation has different circumstances that need to be considered, and materials used by one agency may or may not be appropriate for use by another agency.***

### **57) Nutrition Education and Promotion**

Q) Why was the term "social marketing" excised from scopes of work and replaced with "nutrition education and promotion"?

***A) USDA views "social marketing" as media and public relations activities only and restricts the targeting to 130% FPL rather than our standard waiver targeting of 185% FPL. We were using social marketing to mean all the work we do in all levels of SEM.***

## 58) SOW Word-smithing

Q) Too much word-smithing in scope of work development.

**A) *It is part of the Program Manager's responsibility to ensure the Scope of Work activities are clearly described and the objectives are SMART to avoid delays in the review and approval process by USDA and/or CMU. It is important that anyone reading the SOW be able to clearly identify the roles, allowable activities, timelines, and deliverables of Federal Share staff. CPNS is also working on templates for Scopes of Works, which will be pilot tested in FFY 09.***

## 59) High Schools 50% Criterion

Q) Is anything being done to capture high schools that don't meet the 50% criterion but whose "feeder" schools do?

**A) *This specific approach was proposed to USDA but not approved several years ago. We are open to alternative ways to qualify schools such as using Census Tract data. Contractors should contact their Program Manager to discuss alternatives. We can always send inquiries to USDA WRO on a proposed methodology.***

## 60) Loss of Collaborative Members

Q) Discontinuation of policy change activities as allowable focus resulted in loss of collaborative members. One program noted that they've redirected all of their FSNE-paid time into direct nutrition education and are doing policy work on non-FSNE time.

**A) *In reference to the September 2005 Network Program Letter, policy/environmental change activities are no longer allowable. However, Network-funded projects are allowed to provide support and educate partners and community members in their policy change efforts and should be viewed as an opportunity to collaborate with other members of the community.***

## 61) Network Phrasing Upon Request

Q) Confusion about some standardized activities *Network* has placed in SOWs that contractors may have to complete in the future using phrasing "upon request" – how do projects know whether the *Network* is requesting these of their project?

**A) *Infrastructure Objectives were placed in the SOW to avoid word smithing. The instructions were to delete those meetings that did not apply to the organization, i.e., only schools and projects working with schools require attending one SHAPE meeting each year.***

## 62) Paid Interns

Q) Use of paid interns has been questioned – USDA has a policy that interns who are getting both school credit and wages is a form of “double dipping”! (Subsequently clarified in Program Letter 07-09).

**A) See Program Letter 07-09 for clarification. CPNS had misinterpreted USDA Plan Guidance for FFY 2007 regarding the use of interns in Network contracts, which required a mid-year correction at USDA’s request or Network contractors would have been at risk for the disallowance of intern costs.**

## 63) Non-renewal of Network Contract

Q) Hiring staff late into a contract can be difficult because administrators are concerned about the possibility of non-renewal of Network contract. *High-level local administrators often don’t understand the complexity or appreciate the value of operating Network contracts because they aren’t immersed in it daily and/or they don’t directly see the project’s implementation.*

**A) It is important for an agency to communicate with in their agency about the historical stability of Network funding. Also, it is important to market your Network project to your Administration and emphasize the benefits of the contract and successes you have achieved. Please contact our Public Relations Unit if you need assistance with this.**

## 64) Mandated Objective and Evaluation Requirements

Q) Creating mandated CX<sup>3</sup> objectives and evaluation requirements creates funding difficulties – although CX<sup>3</sup> and impact evaluation are valuable, they inevitably mean that some other program component has to be dropped to pay for these.

**A) CPNS has received many positive comments from projects that have participated in the CX<sup>3</sup> pilot. Please work with your PM/CM team on ways to adjust your budget to participate in this worthwhile project.**

## 65) Outside Grants

Q) Sustainability through outside grants is unrealistic because it’s hard to carve out time for proposal writing.

**A) Grant writing is challenging. CPNS Training will be providing some additional trainings in FFY 2008 on sustainability of Network projects. Please see the CPNS web site.**

## 66) NECs

Q) What is the role of NECs?

### **A) The Nutrition Education Coordinators or NECs:**

*Are available to provide technical assistance and guidance in the identification, utilization and/or evaluation of the following for contractors that are schools or other agencies working with schools:*

- *Culturally and grade-level appropriate nutrition education programs and resources.*
- *Research-based instructional resources and strategies that emphasize active learner engagement.*
- *Nutrition education resources and instructional strategies targeting specific behavioral changes that
  - *include self-assessment,*
  - *teach decision-making skills,*
  - *focus on building skills, and align with the:*
  - *Health Framework for California Public Schools (CDE, 2003),*
  - *Physical Education Model Content Standards (CDE, 2005), and*
  - *National Health Education Standards (until such time that the Health Education Content Standards are adopted by California's State Board of Education).**
- *Tools and strategies to evaluate the effectiveness of resources, interventions and programs.*
- *Assessment findings and evaluation data to modify materials, strategies and programs to meet the needs of the target audience(s).*
- *Effective partnerships that are sensitive to the target populations' needs and interests and are non-duplicative of other committees or groups working with the same target population.*
- *Strategies that incorporate social support ~ parental involvement for elementary students and peer involvement for secondary students.*
- *Partnerships that support linkages between the cafeteria, classroom and the community, including opportunities for collaboration with non-traditional partners.*
- *Ongoing training and career development programs and opportunities for staff (teachers, child nutrition personnel, nurses, administrators) that increase their knowledge of the role of nutrition and physical activity in protecting children's health and builds their capacity and sustainability of Network objectives.*

*For NEC contact information or regional assignments, contractors should contact their assigned Program Manager.*