



ANNUAL REVIEW REQUIREMENTS FOR STATES AGENCY IN THE CACFP NSLP/SBP/CACFP FOR PUERTO RICO CHILD NUTRITION PROGRAMS

1. State agency submitting waiver request and responsible State agency staff contact information:

Lourdes N. García Santiago
Acting Director
State Agency, Food and Nutrition Services
PR Department of Education
Email: garciasln@de.pr.gov
Phone: (787) 759-2000 ext. 6294

2. Region: MARO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The Puerto Rico State Agency requests this waiver for NSLP, SBP, SFSP, FFVP, FDP and CACFP MONITORS Employed by PRSA-DE.

SFAs and other sponsoring organizations in good standing will be able to participate in the waiver. SFAs and sponsoring organizations are in good standing if they have had no serious deficiencies declared in their most recent review cycle.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

The challenge is to minimize potential exposure to COVID-19 for State agency CACFP, NSLP and SFSP Monitors and participants, while maintaining the programs oversight and integrity. PRSA-DE recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many facilities closed or not allowing the public entry to their centers, monitoring may not be possible in some instances. COVID cases are currently increasing daily in Puerto Rico and currently State agency staff are not permitted to perform onsite visits. PRSA will continue to have CACFP, SFSP and NSLP monitors conduct some monitoring activities of Program operations offsite (e.g., through a desk audit). Puerto Rico continues to have close to 500 new cases of COVID-19 each day, and we anticipate childcare facilities and SFAs being closed or not allowing visitors into the facilities.

CACFP:

Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m) (6) require State agencies to annually review at least 33.3 percent of all CACFP institutions.

PR' SA will have approximately 20 reviews to carry over from PY 2020 to PY 2021; this is because we had a closure in January due to earthquakes and a lockdown from March to May due to COVID-19. In addition, the required reviews to be completed in 2021 we have 63 Monitoring reviews plus 67 reviews to facilities for in total 150 CACFP reviews to complete. The staff available to carry out the reviews is the same one that is conducting the SFSP reviews. FNS should consider that PR's SA has just 11 regional monitors that are performing desk visits to all CNP. This represents an enormous workload due the substantial number of documents that have to be request to the sponsors to analyze, videos and not least, the huge problem we are having with the internet and communication in general, that we have been facing during this emergency. In addition, the CACFP Coordinator will retire on Dic-2020, PR'SA will have to hire a new CACFP Coordinator. This will require intensive training for the new Coordinator to get her up to speed so she can help with conducting reviews. **PRSA-DE is requesting a waiver of the requirements for number and frequency of reviews.** This includes monitoring requirements included in Section 17(d)(2)(C) of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766(d)(2)(C)] and regulations at 7 CFR 226.6(m)(6) and 226.6m(6)(i) through (ii). Any review not completed in PY 2021 will be prioritized in the next Program year PY2022. In addition, any review not completed in PY 2020 will be prioritized in PY2021 as long as the institutions are offering services under CACFP. We are including our PY2021 Monitoring Calendar, it highlights which institutions are open and which are closed at this time.

SFSP

The SFSP's SA and sponsors have been planning and performing remotely sites visits since the beginning of the COVID 19 emergency in April 2020. SA monitors made 74 sites visits to 35 sponsors and 26 Sponsors Administrative review to new ones and to those in the 3 years cycle. The staff available to carry out the SFSP reviews is the same one that is conducting the CACFP, NSLP, SBP and SSO reviews.

FNS should consider that PR's SA has just 11 regional monitors that are performing desk visits to all CNP. This represent an enormous workload due the large number of documents that must be requested to the sponsors to analyze, videos and not least, the huge problem we are having with the internet and communication in general, that we have been facing during this emergency. **PRSA-DE is requesting a waiver of the requirements for number and frequency of reviews of SA and Sponsors.**

The PR' SA recommends waivers to program's sponsors with multiple sites like the SFA of DE, that are performing desk reviews to sites and do not have the resources and staffing available to complete all site visits within the program time frame indicated at the 7 CRF 225.15(d)(3)

regulation for the obstacle that represents this pandemic situation. If SOs do not have the available fiscal resources for additional staff, they will be forced to reduce the number of sites, which will reduce the number of meals provided to most vulnerable population in Puerto Rico communities during COVID 19 pandemic.

NSLP/SBP

Administrative Reviews

State agencies must conduct administrative reviews of all school food authorities participating in the National School Lunch Program (including the Afterschool Snacks and the Seamless Summer Option) and School Breakfast Program at least once during a 3-year review cycle, provided that each school food authority is reviewed at least once every 3 years. For each State agency, the first 3-year review cycle started the school year that began on July 1, 2013, and ended on June 30, 2014. For FY 2020 the PRSA has 13 Administrative Reviews to complete. Of these, only four (4) SFAs are operating under NSLP or SSO. The Puerto Rico State Agency, Department of Education is requesting a waiver of the Administrative Review (AR) requirement for School Nutrition Programs **to postpone (9) SY 2020-2021 reviews of SFA's that are closed or operating under SFSP at this time. We request to carry over these nine reviews to SY 2021-2022. Please refer to attachment 2 for details.**

Procurement Reviews

State agencies are required to ensure that SFAs comply with the applicable provisions through audits, administrative reviews, technical assistance, training guidance materials and by other means. The purpose of a procurement review is for State agencies (SAs) to ensure the procurement process conducted by school food authorities (SFAs) complies with federal regulations and policies. In general, the procurement of goods and services must be conducted in a way to ensure full and open competition (2 CFR 200.319(a)). PRSA-DE has six (6) SFA'S to which we must complete the Procurement review but they are currently closed or operating under SFSP. **The State agency is requesting a waiver of the Procurement Review requirement for School Nutrition Programs to postpone (6) 2020-2021 reviews of SFA's that are closed or operating under SFSP at this time. We request to carry over these six (6) reviews to SY 2021-2022. Please refer to attachment #2 for details.**

On-site Counting and Claiming

Each school food authority with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under § 210.18(h), as prescribed by FNS for each school under its jurisdiction. The on-site review shall take place prior to February 1 of each school year. PRSA-DE has Two (2) SFA'S to which we must complete On-site counting and claiming review but they are currently closed or operating under SFSP. **The State agency is requesting a waiver of the On-site Counting and claiming requirement for School Nutrition Programs to postpone this Two (2) 2020-2021 reviews and carry over these reviews to SY 2021-2022. Please refer to attachment #2 for details.**

If this SFA's start operations in January, the timeframe to conduct this Administrative Procurement and On-site reviews between January and end of May would be difficult for our staff and local SFAs in this stressful time. FNS should consider that PR's SA has just 12 regional monitors that are performing desk visits to all CNP. This represent an enormous workload due the large number of documents that have to be request to the sponsors to analyze, videos and not least, the huge

problem we are having with the internet and communication in general, that we have been facing during this emergency. During normal operations, the Administrative Review process requires 100% of the NSLP review team to conduct the reviews. As SFAs rush to implement new meal service models to accommodate COVID-19, the State agency is fielding many requests for technical assistance with these different models. In addition, we are implementing for the first time the SSO program for three SFAs.

The State agency will use this pause to dedicate our school nutrition staff members to conduct SFSP reviews and provide technical assistance to SFA's operating under NSLP, SBP, SSO and SFSP.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

CACFP

Regulations at 7 CFR 226.6(m) (6) and 226.6(m)(6)(i)-(ii). Specifically, to waive the required reviews of CACFP institutions at not less than 3-year intervals and do desk audits instead of on-site audits and allow **PRSA-DE** to carry over and prioritize any CACFP reviews not completed in 2021 to the following program year FY 2022.

SFSP

Title 7, Code of Federal Regulations, Section:

7 CFR 225.7(d)(2)(ii) (E) sites review during the program operation to waive 2021 SFSP sites sponsor visits to those that received 2 or 3 sites visits from May to December 2020 and had not significant finding.

7 CFR 225.7(d)(2)(ii)(B)] Waive annually review sponsors whose reimbursements count as half the aggregate from the previous year to SFA of DE that receive an Administrative review annually. This sponsor is our larger one and had not significant findings in 2019 SFSP.

7 CFR 225.7(d)(2)(ii)(E)] Conduct reviews of at least 10 percent of each sponsor's sites or one site, if that's greater. SA is requesting to visit those new ones and those that had findings during September to December 2020.

7 CFR 225.15(d)(3) Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations. The SA is requesting to permit that the SFA of the Department of Education can schedule sites visit to all sites, although this means realized after 4 weeks of operation.

NSLP/SBP

Requirement at 7 CFR 210.18 (c) that State Agencies must conduct Administrative Reviews of all SFAs participating in the NSLP (including the Afterschool Snack Service and SBP at least once during a 3-year review cycle. PRSA will perform Administrative Reviews on FY 2021 to 4 institutions operating at this time and **request to carry over nine (9) ARs to FY 2022**. Refer to Attachment B for details.

In addition SA is requesting a waiver of the requirement at 7CFR 210.21 that State Agencies must conduct Procurement Reviews during AR reviews or in a 3-year cycle for the NSLP and SBP. **PRSA is requesting to carryover 6 procurement reviews for FY 2022**. These six SFAs will have

their procurement review and Administrative Review at the same time. Refer to attachment #2 for details

Also, PRSA is requesting a waiver of the requirement at 7CFR 210.18 (h) that state agencies must perform no less than one On-site Counting and Claiming review every school year to each school food authority with more than one school. **PRSA is requesting to carryover 2 Counting and Claiming Reviews for FY 2022 because this SFA's are currently close at this time.** Refer to attachment B for details.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

The Monitoring Section developed Desk Review procedures or guides for the different programs. This way the State Agency avoids the possible exposure of employees to COVID-19 while fulfilling our responsibility to ensure the integrity and proper functioning of the nutrition programs. Sponsors have presented difficulty sending the documents, but we have offered the alternative of preparing a box with all the documentation. The box is delivered to the monitor's office or the monitor picks it up at the institution. In all cases, a video conference using Microsoft Teams or conference call is held to discuss the review with the findings if any.

We expect some impact on the use of more technological tools by sponsors and State Agency Staff. This is opportunity to improve, simplify some processes and take advantage of technology.

There are no impacts on State systems but the monitoring process will change from onsite to virtual.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

The PR' SA will continue providing guidance and technical assistance to CACFP, SFSP and NSLP sponsors to meet the needs of their communities and encourage participation during the COVID 19 emergency. The PR' SA will ensure program integrity through, the application approval process, technical assistance visits, and most of all, we will continue to train PR'SA staff and sponsors in the use of technology like Microsoft Teams and OneDrive.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The PR' SA internal process and procedures are already in place to ensure program integrity for eligible NSLP/SBP sponsors. We may have some challenges related to the use of technology, but we will continue to offer training to all PR' SA staff and sponsors.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

PRSA does not anticipate an increase to Program Cost

10. Anticipated waiver implementation date and time period:

CACFP

The anticipated waiver implementation is effectively immediately and until Sept. 2021.

SFSP

The anticipated waiver implementation is effectively on January 2021 and until Sept. 2021.

NSLP

The anticipated waiver implementation is effectively on January 2021 and until Sept. 2021

11. Proposed monitoring and review procedures:

The State Agency will continue to carry out current program monitoring and review procedures as directed by USDA. We will maintain a monthly tracking of sponsors to prioritize their audits and Administrative Reviews as they start to operate. Sponsors found to have noncompliance issues will work with the State agency on an individualized corrective action plan and monitors will conduct follow-up reviews scheduled as needed to ensure ongoing compliance.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

PRSA will report every 6 months:

- Number of Sponsors and SFAs operating
- Number of desk audits Carried Out
- Update of FY 2021 monitoring calendar

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

Public Notice and information of this waiver request is posted on DE website at:

14. Signature and title of requesting official:



Title: Lourdes N. García Santiago, SA Acting Director

Requesting official's email address for transmission of response:

BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**

Attachment #1

CACFP Monitoring Overview

PR'SA has already begun the CACFP Virtual reviews of sponsors that are operating. We are prioritizing those visits that remained pending in the 2019-20. Many sponsors are not operating or expect to open tentatively in January-2021, depending on the increase or decrease in COVID-19 cases. We are doing our best to complete as many Reviews as possible but we are aware that with Centers Closed and virtual reviews, it will not be possible to complete the large number of CACFP Monitoring Reviews that we have pending. Reviews highlight in red are the ones that we expect to carry over for FY-2022

Sponsor	Contract #	Date Program for Review	Operating Since
PHS Municipio de Vega Baja *Centros	CCC-259	12 de enero de 2021	1 y 2 de septiembre de 2020
PHS Municipio de Manati*Centros	CCC-251	24 de febrero de 2021	1 de octubre de 2020 PSAV extensión
PHS Municipio de Dorado *Centros	CCC-246	3 de febrero de 2021	15 de septiembre de 2020
PHS Municipio de Barceloneta*Centros	CCC-242	23 de marzo de 2021	No han comenzado (Closed)
CCD Municipio de Vega Baja	CCC-083	1 de diciembre de 2020	7 de julio de 2020
CCD Municipio de Quebradilla	CCC-064	15 de diciembre de 2020	No han comenzado (Closed)
CCD Mun. Arecibo	CCC-099	Cerrado	Closed
EHS Municipio de Barceloneta	CCC'160	17 de mayo de 2021	Closed

Sponsor	Contract #	Date program for Review	Operating Since
CCD Alternative Kids	CCC-282	2 de noviembre de 2020	Agosto-2020
CCD Municipio de Cataño	CCC-089	13 de septiembre de 2021	(Closed)
CCD Municipio de Morovis	CCC-036	3 de agosto de 2021	1 de octubre de 2020
CCD Universidad Central de Bayamón	CCC-290	4 de mayo de 2021	January 2021 (Closed)
PHS Municipio de Orocovis	CCC-252	17 de agosto de 2020	9 de septiembre 2020
CCD Naranjito Little Steps	CCC-302	26-abril-2021	Sep-20
CCD Municipio de Toa Alta	CCC-192	11 de mayo de 2021	January de 2021 (Closed)
Children Zone	CCC-301	16 de marzo de 2021	Aug-20

CCD-Arrullo Maternal, Inc.	CCC-215	PSAV al momento	Operating under SFSP
*Departamento de Salud	ADC-006	16 de febrero de 2021	January 2021 (Closed)

Centro Margarita	CCC-284	4 de mayo de 2021	13 de julio de 2020
Municipio de Gurabo	CCC-121	14 de diciembre de 2020	28 de septiembre de 2020
PHS Fundación Hogar Propio	CC-255	11 de agosto de 2021	(Closed)
PHS Municipio de Cayey	CCC-244	2 de febrero de 2021	17 de septiembre de 2020
PHS Municipio de Guayama	CCC-248	16 de marzo de 2021	1 de septiembre de 2020
PHS Municipio de Yabucoa	CCCC-299	13 de abril de 2021	enero de 2021 (Closed)
PHS Taller Educativo de Caguas	CCC-182	18 de noviembre de 2020	5-octubre-2020

Sponsor	Contract #	Date Program for Visits	Operating Since
CCD Asoc. Educativa Culebra	CCC-125	Cerrado	(Closed)
CCD Castillo de Ángeles Canóvanas	CCC-216	26 de octubre de 2020	1 de septiembre de 2020
CCD Mun Maunabo	CCC-021	1 de septiembre de 2021 tent.	15 de octubre de 2020
CCD Mun. San Lorenzo	CCC-193	8 de diciembre de 2021	1 de diciembre de 2020
CCD Municipio de Culebra	CCC-068	3 de marzo de 2021	No tienen fecha (Closed)
CCD Municipio de Río grande	CCC-165	13 de abril de 2021	No tienen fecha (Closed)
CCD UPR Humacao	CCC-102	12 de enero de 2021	No tienen fecha (Closed)
PHS Mun Fajardo	CCC-247	4 de mayo de 2021	No tienen fecha (Closed)
PHS Mun. Canóvanas	CCC-293	10 de febrero de 2021	Está funcionando con PSAV
PHS Mun. Patillas	CCC-198	17 de marzo de 2021	12 de enero de 2021 (Closed)

Auspiciador	Numero contrato	Fechas Programadas	Fecha de Inicio
CCD Municipio de Sabana Grande *Centros	CCC-035	16-agosto-2021	Aun no han empezado (Closed)
PHS Municipio de Mayagüez *Centros	CCC-051	8-febrero-2021	7 de octubre de 2020
CCD Municipio de Rincón	CCC-110	26-enero-2021	9 de septiembre de 2020
CCD Regalo de Amor	CCC-200	19-abril-2021	Aun no han empezado (Closed)
EHS Municipio de Sabana Grande *Centros	CCC-224	17-mayo-2021	Aun no han empezado (Closed)
PHS Municipio de Aguadilla *Centros	CCC-239	2-marzo-2021	Aun no han empezado (Closed)
PHS Municipio de Aguadilla *Centros	CCC-239	2-marzo-2021	Aun no han empezado (Closed)
PHS Municipio de Sabana Grande *Centros	CCC-254	6-abril-2021	Aun no han empezado (Closed)
PHS Municipio de San Sebastián	CCC-256	22-marzo-2021	Aun no han empezado (Closed)
CCD Cinderella	CCC-113	4-mayo-2021	23 de septiembre de 2020
ADC Ayani	CCC-002	2 de noviembre de 2021	7 de julio de 2021 (Closed)

Sponsor	Contract #	Program date for Review	Operating Since
CCD Creciendo Juntos	CCC-295	23-febrero-2021	4 de agosto de 2020
CCD-YMCA Ponce	CCC-041	12-enero-2021	1 de septiembre de 2020
CCD-Centro Sor Isolina Ferré	CCC-055	3-mayo-2021	No servicio al momento (Closed)
CCD-Municipio de Coamo	CCC-131	25-mayo-2021	Closed
CCD-Heavenly Kids	CCC-220	7-diciembre-2020	7 de septiembre de 2020
CCD-Municipio de Coamo C/M	CCC-289	Amarilis 17-mayo-2021	No han comenzado (Closed)
CCD-Municipio de Guánica	CCC-067	Pendiente cerrado por terremoto	1 de noviembre de 2020
Little Paradise	CCC-303	24 de mayo de 2021	Closed
CCD Municipio de Santa Isabel	CCC-191	Pendiente cerrado por terremoto	Tentativo (Closed)

Sponsor	Contract #	Program date for Review	Operating Since
PHS Municipio de Ponce *Centros	CCC-049	14-diciembre-2020	8 de septiembre de 2020
CCD Municipio de Guayanilla	CCC-061	Cerrado por planta fisica Terremotos 24-agosto-2021	15 de octubre de 2020
CCD Municipio de Guanica	CCC-067	Cerrado por planta fisica Terremotos 7-septiembre-2021	1 de noviembre de 2020
CCD Municipio de Yauco*Centros	CCC-189	26-enero-2021	19 de septiembre de 2020
CCD Municipio de Santa Isabel *Centros	CCC-191	Evelyn 13-abril-2021	Tentativo (Closed)
CCD Municipio de Jayuya-Dulces Sueños	CCC-199	16-agosto-2021	PENDIENTE (Closed)
PHS Municipio de Juana Diaz *Centros	CCC-250	12-enero-2021	31 de agosto de 2020
PHS Municipio de Peñuelas *Centros	CCC-253	11-agosto-2021	8 de septiembre de 2020
PHS Municipio de Utuado *Centros	CCC-258	9-marzo-2021	28 de septiembre de 2020

Auspiciador	Numero contrato	Fechas Programadas	Fecha de Inicio
CCD LIM	CCC-020	Cerrado por el momento	No tienen fecha de comienzo. (Closed)
PHS New York Foundling centros	CCC-037	5-abril-2021	23 de septiembre de 2020
CCD YMCA de San Juan	CCC-077	24-febrero-2021	5 de octubre de 2020 tentativamente
CCD Recinto de Ciencias Medicas	CCC-092	9-agosto-2021	No tienen fecha de comienzo. (Closed)
Centro Desarrollo Infantil San Patricio	CCC- 300	17-noviembre-2021	3 de agosto de 2020
PHS Municipio de Guaynabo	CCC-150	2-febrero-2021	Octubre de 2020
ADC Acción Social	ADC-001	7-junio-2021	1-junio-2020
CCD Departamento de la Vivienda	CCC-087	16-marzo-2021	No tienen fecha de comienzo (Closed)

Attachment 2

NSLP Monitoring Overview

PRSA will perform Administrative Reviews on FY 2021 to 4 institutions operating at this time and request to carry over nine (9) ARs to FY 2022. Please refer to the table for details

ARs for SY 2021

Review Date	SFA
March 23-25, 2021	Circulo Infantil El Despertar
March 23-25, 2021	Mi Ángel de la Guarda
March 23-25, 2021	Sistema Educativo de San Juan
March 23-25, 2021	Fountain Christian Bilingual School

ARs to carry over for SY 2022

Date	SFA	status
FY 2022	DODEA	Operating under SFSP
FY 2022	Academia Cristiana <u>Cohélet</u>	Closed
FY 2022	El Faro Christian <u>Academy</u>	Closed
FY 2022	Colegio Mi Pequeño Edén	Closed
FY 2022	Colegio San Judas Tadeo	Operating under SFSP
FY 2022	Colegio Santa Cruz	Operating under SFSP
FY 2022	Colegio Ponceño	Closed
FY 2022	Colegio Dr. Roque Díaz Tizol (COSEY)	Closed
FY 2022	SAAPE	Closed

Procurement Reviews to Carry over for the SY 2022

Date Proposed	SFA	Status
FY 2022	AEA-DE (Escoger 2 regiones)	Operating with SFSP and open CAP from 2017-2018
FY 2022	Colegio la Milagrosa	<u>Operating under SFSP</u>
FY 2022	Academia <u>Dailén</u>	<u>Closed</u>
FY 2022	Col. Católico <u>Notre Dame</u>	<u>Closed</u>
FY 2022	COSEY	<u>Closed</u>
FY 2022	Col. Santa Cruz	<u>Operating under SFSP</u>

Counting Claiming Reviews to Carry over to SY 2022

Date	SFA	Status
FY-2021-22	Colegio <u>Notre Dame</u>	<u>Closed</u>
FY-2021-22	Colegio La Milagrosa	<u>Operating Under SFSP</u>