



SAMPLE FOOD DONATION MEMORANDUM OF UNDERSTANDING Between the Donating and Receiving Agencies

**Food Donation Memorandum of Understanding between the _____ VAMC NFS and the _____ Non-Profit
FY 2011 (subject to change based on the agency process and needs)**

The _____ VAMC (donating agency) agrees to the following:

- We will donate wholesome leftover food at the end of the evening meal to the listed non-profit agency.
- The food will have been kept within the USDA Food Code and the NRA Serve Safe food handling guidelines at all stages of preparation up to the point of transfer to the non-profit agency.
- The donated food will be transferred in clean and sanitary industry standard pans, covered and labeled with an expiration date.
- The temperature of the donated food will be taken and recorded at the point of transfer. If a food item is not within the safe food handling guidelines, it will not be donated.
- NFS will not over produce food items for the non-profit.
- The donated food will be up to 30 servings of whatever menu item is left at the end of meal service. As such, the donations may not be balanced in all the food groups and will be inconsistent in quantity.
- NFS will telephone the non-profit by 5:30pm if there are not sufficient left over foods to warrant the non-profit's trip to pick them up.
- NFS will accept returned soiled pans from the previous day's donations.
- This agreement can be rescinded at any time by either party.

The _____ Non-Profit (receiving agency) agrees to the following:

- To accept responsibility for food borne illness if food is mishandled after pick up from VA.
- To pick up food from NFS on a daily basis unless notified by NFS otherwise.
- To inform NFS by 5:30pm if they are unable to pick up food for any reason.
- To hold the food in a safe temperature out of the danger zone of 41-135 degrees F.
- To serve the donated food to the agency's clients by midnight of the date received.
- To be vigilant about monitoring the expiration date and disposing of remaining food by midnight of the day received.
- To return NFS pans within 48 hours for NFS to properly clean.
- This agreement can be rescinded at any time by either party.

Signed: _____
_____ **VAMC NFS**

Date: _____

Signed: _____
_____ **Non-Profit Agency**

Date: _____

Resources

Food donations to non-profit agencies are encouraged by the Environmental Protection Agency and the Federal Food Donation Act of 2008. The Bill Emerson Good Samaritan Act of 1996 protects the donor and recipient agency against liability except in cases of obvious mishandling of food.

Federal Food Donation Act of 2008

<http://www.govtrack.us/congress/billtext.xpd?bill=s110-2420>

Encouraged foodservices in federal buildings to donate leftover edible food to 501 (c) 3 non profits.

The Bill Emerson Good Samaritan Act of 1996

<http://www.usda.gov/news/pubs/gleaning/appc.htm>

<http://www.usda.gov/news/pubs/gleaning/seven.htm>

To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law. Protects the donor and the recipient agency against liability, excepting only gross negligence and/or intentional misconduct.

The Environmental Protection Agency

EPA encourages institutional foodservice to donate edible food to the hungry.

<http://www.epa.gov/osw/consERVE/materials/organics/food/fd-res.htm>

EPA's [Putting Surplus Food to Good Use: A How-To Guide for Food Service Providers \(PDF\)](#) (2 pp, 1.1MB) helps food service providers start a food waste reduction and recovery program at their facilities.

EPA's [Waste Not/Want Not: Feeding the Hungry and Reducing Solid Waste Through Food Recovery \(PDF\)](#) (59 pp, 1.4MB), developed in conjunction with the US Department of Agriculture, details what businesses and individuals can do to ensure good food doesn't go to waste.

EPA's Waste Reduction Record-Setters [Don't Throw Away That Food: Strategies for Record-Setting Waste Reduction](#) provides case studies from several communities for recovery of food discards.

EPA's [Donating Surplus Food to the Needy \(PDF\)](#) (4 pp, 121K) addresses the donation of surplus food as part of a waste reduction program. Discusses traditional food banks; prepared and perishable food programs; food program services; donor responsibilities; and common concerns.

Food to Donate <http://www.foodtodonate.com/>