

United States Senate

January 19, 2021

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Perdue:

I write today with concerns regarding the implementation of the fourth round of the U.S. Department of Agriculture (USDA) Farmers to Families Food Box (FFFB) program in New Jersey. The responsibility and expense of delivering these food boxes to their final destination – hungry families in New Jersey – has fallen to overburdened non-profit organizations working to respond to the drastic increase in food insecurity during this public health crisis.

On October 23, 2020, USDA announced that it had authorized an additional \$500 million for a fourth round of purchases for the FFFB program, and that solicitations would be issued to existing Basic Ordering Agreement (BOA) holders for contracts to purchase produce, dairy, and meat from farmers and deliver them to Americans in need. According to the announcement, this round of the program would “address ‘last mile’ delivery of product into the hands of the food insecure population.” The contract awards were announced seven days later on October 30, 2020. The only vendor selected by USDA to deliver food to non-profit organizations in New Jersey in this round of the program was Whitsons Food Service Corporation in New York. Whitsons was awarded a \$42,920,769 contract to deliver 1,100,000 food boxes to New Jersey, New York, Pennsylvania, Connecticut, and Massachusetts through December 31, 2020.

As you know, the FFFB program was developed as a “truck-to-trunk” distribution model – directly from the distributor to families in need. The solicitation for vendors issued by USDA specified that the contract holder “is responsible for all supply chain and logistic activities necessary to ensure the boxes are distributed to food insecure persons in the United States,” and “would be responsible for all activities associated with delivery of product into the hands of the final recipients, individual citizens.” It is my understanding, however, that unlike other vendors that were awarded contracts to deliver food to New Jersey in previous rounds of the program, Whitsons required a 24-pallet minimum for deliveries, and refused to deliver food to any non-profit organizations that could not provide a forklift and loading dock or lift gate. As a result, many non-profit organizations that had been participating in the program but did not have the capacity to accept a full tractor-trailer load were no longer able to receive this desperately-needed food to help the growing number of hungry families in New Jersey.

The vast majority of the food – nearly 5.6 million pounds of food boxes – was coordinated for distribution through the Community FoodBank of New Jersey (CFBNJ), with almost one million pounds (995,048) delivered directly to CFBNJ’s warehouse, leaving CFBNJ with the

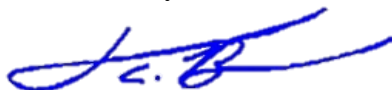
responsibility and costs of delivering food to more than 70 smaller food pantries, soup kitchens, and community programs throughout the state.

According to the contract solicitation, “all expenses incurred including but not limited to testing, analysis, fumigation, last mile delivery, and certification requirements shall be the responsibility of the contractor.” The solicitation also states that the “no additional distribution costs will be required of delivery/non-profit entities.” The CFBNJ, however, incurred \$164,183 in last-mile delivery costs in November and December 2020 to ensure that the food provided through the FFFB program reached families in need. It is my understanding that Whitsons refused to provide the CFBNJ with reimbursement for these last-mile delivery costs.

As a steward of federal resources, USDA has a responsibility to fully enforce the terms of this federal contract, funded through emergency COVID-19 relief funding, to guarantee that non-profit organizations in New Jersey and elsewhere that have incurred expenses for last-mile delivery are reimbursed by the vendors that were paid to provide this critical service. Furthermore, I understand that a solicitation has gone out for a fifth round of the program, and that vendors will be chosen soon. I, therefore, request that USDA provide sufficient oversight to ensure that the vendors selected for this next round of the program comply with the terms of these contracts rather than transferring their cost burdens to New Jersey’s struggling food banks.

I appreciate your time and attention to this important matter, and for your work to mitigate the ongoing impact of COVID-19 pandemic on farmers and food insecure communities. If you have any questions, please feel free to contact me or my staff at (973) 639-8700.

Sincerely,



Cory A. Booker
United States Senator