



FISCAL YEAR 2013
REQUEST FOR PROPOSAL
FOR
AGING SERVICES

SUBMIT TO:

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL
PROCUREMENT OFFICE
301 W. Railroad Street
Weslaco, Texas 78596
(956) 682-3481

The Area Agency on Aging is a program of the **Lower Rio Grande Valley Development Council** and funded by the Texas Department of Aging and Disability Services. Serving the Counties of Cameron, Hidalgo, and Willacy Counties.

**REQUEST FOR PROPOSAL UNDER TITLE III OF THE
OLDER AMERICANS ACT OF 1965 AS AMENDED
PART I**

GENERAL INFORMATION

I. LOCAL AUTHORITY

The Lower Rio Grande Valley (LRGV) Area Agency on Aging, a department of the Lower Rio Grande Valley Development Council, is one of twenty-eight designated Area Agencies on Aging in the State. The Lower Rio Grande Valley Area Agency on Aging is also the designated Focal Point for the Region. Its statutory authority is the Older Americans Act of 1965, as amended. The service area encompasses the counties of Cameron, Hidalgo, and Willacy. The target population as designated by the Older Americans Act of 1965, as amended, is to serve those persons 60 years of age and older who are in greatest economic and social need, with particular emphasis on the low income minority elderly. There are 174,464 persons age 60 and over in the Lower Rio Grande Valley region. Of those over age 60 years of age and older, approximately 40,607 have incomes below the federal poverty level and approximately 129,854 are minorities. It is estimated that approximately 35,508 have some limitation of self-care. Proposals that best meet the needs of the entire region, with special emphasis on the target population, will have the best chances for successful consideration.

The purpose of this Request For Proposal (RFP) is to solicit operating plans for services (**no equipment - do not include equipment in the request**) to persons age 60 and over and family caregivers under Title III of the Older Americans Act as Amended, and state general revenue funds. Organizations eligible to apply for funding under this RFP are private non-profit, private for-profit and local city/county governmental entities that have the capacity to meet the requirements of service delivery as specified according to TDADS Service Standards and Older American Act requirements.

- A. Private for-profit entities applying for funding under this RFP will require approval by the Texas Department of Aging and Disability Services prior to beginning of service delivery.
- B. Debarred or suspended parties are ineligible to apply for funding under federal regulations.
- C. Conflict-of-Interest: Area Agencies on Aging (AAA) and their governing Boards shall seek to avoid conflict of interests, in fact and perception, and provide proper notification when potential conflict-of-interest does occur.
- D. Secure and maintain maximum independence and dignity for older persons to remain **in their own homes with appropriate support services.**

- E. Organization must adhere to any the LRGVDC-AAA service agreement (Attachment A) and all client intake and reporting requirements as stipulated by TDADS. Must maintain supporting documentation for information reported to Area Agency on Aging.

II. AREA AGENCY ON AGING CONTACT PERSON:

JOSE L. GONZALEZ, DIRECTOR
LRGVDC AREA AGENCY ON AGING
301 W. RAILROAD STREET
WESLACO, TEXAS 78596
956-682-3481

III. PERIOD OF PERFORMANCE:

Title III services contracts will be for a twelve-month period. The contracts issued by the Lower Rio Grande Valley Development Council shall not exceed September 30, 2013.

IV. FUNDING:

The Lower Rio Grande Valley Development Council was created on March 1967 under authority provided by Article 1011m, V.A.C.S., provided by the 59th Legislature that authorizes counties, cities, and other political subdivisions of the State of Texas to establish regional planning commissions.

The Area Agency on Aging of the Lower Rio Grande Valley (AAA) is designated by the Texas Department of Aging and Disability Services (TDADS) to be the focal point for services to persons 60 or older with the AAA's region. The AAA administers services funded by the Older Americans Act (OAA) with emphasis placed on frail, rural, low income and minority individuals. The Lower Rio Grande Valley Development Council is responsible for the area plan that identifies the need for the following.

1. Nutrition Services - includes congregate and home-delivered meals, nutrition outreach and nutrition education at a multi-purpose senior citizens' center and for participants receiving home-delivered meals.
2. Access Services - includes transportation.
3. Other Services - other services may be specifically contracted to include Caregiver Education and Training services, Caregiver Information Services (**Not to exceed 25% of the Caregiver Budget**) , Services for Grandparents raising Grandchildren, and Senior Center operations. All services must address the need to provide an opportunity for older persons to be secure and maintain maximum independence and dignity in the least restrictive environment.

The following services will be acquired through the Area Agency's direct purchased services for case management clients: medical transportation, homemaker services, respite care, health maintenance, residential repair, dental services, auditory aids, personal assistance, emergency response, and emergency shelter. This list is not all-inclusive. The Lower Rio Grande Valley Area Agency on Aging will provide the following access and assistance services/activities: Care Coordination, Case Management, Caregiver Support, Caregiver Information Services, Nursing Home Ombudsman, Information and Assistance, and Legal Awareness/Assistance.

The Area Agency on Aging is currently providing senior center operations in the following communities: Brownsville, La Joya, Los Fresnos, Mission, and Rio Hondo.

The current Nutrition Contractor provides personnel under Title III to nutrition sites in Brownsville, Donna, Edinburg, Elsa, Harlingen, Mercedes, Mission, Pharr, Raymondville, San Benito, San Juan and Weslaco. Independent nutrition sites are Las Palmas, Lark and Palmview (McAllen), Alta Vista High-rise (Weslaco), Port Isabel Service Center (Port Isabel), Martin Cavazos Center (Sebastian), Villa Del Sol High rise (Brownsville), Alton Senior center (Alton), Queen City (Mercedes) and Edinburg Towers.

The services listed above are provided under the Older Americans Act and State General Revenue with funds made available by the Texas Department of Aging and Disability Services (TDADS). Funds are allocated across the state by the TDADS according to a funding formula which includes the following criteria: 40% 60+, 10% 60+ minorities, and 50% 60+ low-income according to each region.

Other funds available to Title III and State General Revenue Meals include the following:

1. Nutrition Service Incentive Program (NSIP for Nutrition Services Only). NSIP funds are provided based on prior year meal served at approximately .59 cents per meal. These funds are to be used for purchasing meals in addition to Title III-C funds for the elderly.
2. Program Income. Title III program participants are encouraged to make a contribution towards services provided. These funds are then used to increase services in the area from which they were generated. Program Income cannot be used toward satisfying the program's matching requirements.
3. In-kind. Many contractors receive local contributions of volunteer time, free use of facilities or utility payment by local community supporters. This program could not exist without these valuable contributions. Acceptable In-Kind must be accounted under the related funded program.
4. The LRGVDC Area Agency on Aging will require of all Title III-B, Title III-C and Title III-D services a **10%** cash and/or in-kind match. The LRGVDC Area Agency on Aging will require a **30%** cash and/or In-kind match of all Title III-E Caregiver

Programs. Funding for contracts will comply with the following:

1. Availability of funds: Contracts will be awarded in amounts as determined appropriate for the service area in which the applicant agency intends to provide services and score rankings. The amounts are subject to funding by TDADS and may vary depending on the availability of state and federal funds. Grantees must match these funds as 10% or 30% of the total intended allocation or more depending on funding sources. Potential contractors are encouraged to maintain at least 30 days of operating revenue.
2. De-obligation of funds. Contract award amounts may be reduced if the contractor fails to perform as set forth in the proposal and contract agreement.
3. Re-obligation of funds. The Lower Rio Grande Valley Development Council reserves the right to re-obligate funds which have been recaptured as a result of contract default or reduction in service delivery based on procedures which are established in state and federal regulations.
4. Reasonable Costs. All costs charged to contracts with the Area Agency on Aging must be necessary and reasonable for the service in which they are reported. The definition for reasonableness is:
 - a. **costs within the constraints of sound business practices, current market rates, and arm's length bargaining;**
 - b. **consistent with actions a prudent person would take under similar circumstances.**
5. All LRGVDC Area Agency on Aging proposed programs require a 10% or 30% (cash or in-kind) match. Contractor shall provide an additional amount of 5% of the amount funded not to exceed \$20,000 towards a local cash support on all contracts. The 5% matching must be remitted within 120 days to the Area Agency on Aging.

V. APPLICATION AND AWARD PROCESS:

Funding proposals must be **typed** and submitted in a form provided by the Lower Rio Grande Valley Area Agency on Aging which may be obtained by accessing the forms on the Lower Rio Grande Valley Development Council website at www.lrgvdc.org under the Procurement section. Forms may also be obtained by writing to at the address below or calling (956) 682-3481, ext. 148 or email at mrojas@lrgvdc.org. Contact the office for the electronic budget sheets and assurances.

THE PROPOSALS, EITHER MAILED OR HAND-DELIVERED, MUST BE RECEIVED BY THE LRGVDC MAIN OFFICE NO LATER THAN 4:30 P.M. ON FRIDAY, JULY 13, 2012.

FAX COPIES WILL NOT BE ACCEPTED.

Proposals must be properly sealed and should have a notation on the face of the envelope: ATTENTION: AAA-RFP DO NOT OPEN UNTIL Monday, July 16, 2012 at 10:00 AM. The sealed proposals must then be submitted to the following address:

Lower Rio Grande Valley Development Council
Procurement Office
301 W. Railroad Street
Weslaco, Texas 78596
Attention: Victor Morales, Director of Procurement

The opening of the proposals will be made at the LRGVDC Main office, same address. Funding determinations will not be made at this time and applicant agencies do not have to be present.

A Bidders' Conference for interested applicants will be held from 2:00 P.M. to 4:00 P.M. on Tuesday, June 26, 2012, at the LRGVDC Regional Transit Center 510 S. Pleasantville Dr., Weslaco, Texas. Technical assistance will not be provided to applicant agencies in the development of a proposal in response to this request after the Bidders' Conference.

Proposals received unsealed or submitted after the time and date specified will be returned to applicant agency and will not be considered for funding. The Area Agency will **NOT** seal proposals for applicant. Proposals must also be typewritten, complete and technically accurate at the time of submission. Each proposal will be reviewed as submitted. No modifications or technical corrections to proposals will be allowed after they are submitted. A proposal may be withdrawn from consideration for funding if applicant agency transmits such a request in writing to the Contact Person.

Applicant must submit 1 (one) original and five (5) copies of the proposal. Although all may be photocopies of an original, one (1) copy must have original signatures, and this copy must bear the notation "Original" written in the upper, right-hand corner of the cover sheet. Any difference between the "Original" and the copies are at the liability of the Applicant Agency. Applicant Agency may submit only one (1) copy of all assurances. **Failure to submit the necessary copies will be considered as non-responsive to the Request for Proposal and may affect the score rating.**

Proposals submitted on time become the property of the Area Agency on Aging. None will be returned to the Applicant Agency.

VI. REVIEW PROCESS

Contents of applications submitted in response to this RFP will not be disclosed to anyone except to members of the Area Agency on Aging Administrative staff and Ad-Hoc Committee. All applications become public information upon completion of the contract award process. All proposals will be ranked according to the score earned during the review.

Proposals must address at least the following to be considered as meeting the submission criteria: a) service capacity; b) organizational capacity; c) geographical area to be served; d) cost effectiveness; and e) serving the target population.

The Area Agency Ad-Hoc Committee recommendations will be forwarded to the Advisory Council on Aging. The Advisory Council reviews these recommendations and forwards their recommendations to the LRGVDC Board of Directors for final contract award decisions.

VII. REVIEW CRITERIA FOR PROPOSALS:

A. Service Capacity (maximum 30 points)

The maximum number of points that can be received for service capacity is 30. The proposal will be rated in terms of the degree of experience the provider has in the area of the proposed service/s, adequate description of proposed service/s, time-line to implement services, and the expected outcome of the proposed service(s).

B. Organizational Capacity (maximum 30 points)

The maximum number of points that can be received for organizational capacity is 30. The proposal will be rated in terms of the organizations capacity to provide oversight of the project, organizations capability to submit and maintain fiscal and program reporting. Existing contractors will be rated according to their timeliness and accurateness of their current fiscal and program reporting and fiscal audits. This also included the capacity of the project staff to accomplish the stated service(s).

C. Efficiency (maximum 20 points)

The maximum number of points that can be received for cost effectiveness is 20. Proposal will be rated in terms of its proposed ability to reach clients, provide services, and do so in a cost effective manner. In evaluating proposals, the committee will consider such things as: the number of persons to be reached, number of units to be served, and the cost per unit of service.

D. Geographic Area to be served (maximum 10 points)

The maximum number of points that can be received for geographic area to be served is 10. The application will be rated on the area to be served. Regional proposal will earn more points than citywide proposals.

E. Targeting of Minority and Low Income Populations (maximum 10 points)

The maximum number of points that can be received for targeting of minority and low-income populations is 10. Point assignment will depend on the provider's efforts in serving minority and low income to the total proposed project. The target population as designated by the Older Americans Act of 1965, as amended, is to serve those persons 60 years of age and older who are in greatest economic and social need, with particular emphasis on the low income minority elderly.

VIII. CONTRACT AWARD

The award of any contract based on proposals received in response to this RFP is contingent upon the LRGVDC Area Agency on Aging receiving adequate Title III funds from the Texas Department of Aging and Disability Services. The LRGVDC Area Agency on Aging also reserves the right to award a contract without further negotiations of proposal content or budget. The LRGVDC also reserves the right to issue multi-year contracts. Therefore, proposals must be complete and technically correct at the time of submission. This RFP does not obligate the LRGVDC Area Agency on Aging to award a contract or to procure or contract for services or supplies.

The LRGVDC Area Agency on Aging reserves the right to reject any or all proposals received in response to this RFP. Any costs incurred by the applicant agency prior to the commencement date of a contract may not be paid from contract funds, and will not be reimbursed by the Area Agency on Aging. Applicants must be capable of operating without Title III funds for up to 60 days.

The Area Agency on Aging may require the selected applicants to participate in negotiations and submit any price, technical or other revisions as may result from negotiations.

IX. SERVICES AND REQUIREMENTS

Awards will be made for the following services: Congregate and Home delivered meals; Support Services such as, but not limited to, Transportation, Health Education, and Senior Center Operations, Caregiver Education and Training, as authorized by the Older Americans Act and included in the RFP packet.

Proposals may be submitted for any one or all of the services listed in the RFP. Proposals for services not listed will not be considered if such service is not an authorized service under Title III of the Older Americans Act. Proposals, which do not encompass the full range of activities for any one of the services, will not be considered. Senior Center Operations proposals must indicate assurances that Senior Centers will provide the package of services required under this RFP. Those proposals for Senior Center Operations not willing to provide such services will not be considered for funding. Regional census data indicating the population to be served has been furnished.

A. Specific Service Requirements

1. Nutrition Services. Contract recipients must provide congregate and/or home delivered meals to persons age 60 years and older and the spouses of those persons, regardless of age, with preference to serve those who are socially and economically disadvantaged. Home delivered meals must be split between the noon and breakfast meals. Nutrition services must meet the congregate and home delivered nutrition service standards of performance as issued by the Texas Department of Aging and Disability Services and published in the Texas Administrative Code, 40 TAC 85.302, Title III Nutrition Service Standards. Meals must meet a minimum 33 1/3% of the Dietary Reference Intake (DRI) Requirements established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences; Comply with current Dietary Guidelines for Americans; and, to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants. Meals must be delivered 250 days or more per year, 5 or more days per week to participants of congregate and home delivered meal programs. Contract recipients will be reimbursed for units of service provided on an "at risk" unit rate basis. Documentation supporting units provided is required prior to reimbursement. Data management funds must be budgeted under support services.

Provider must develop written procedures that provide guidelines for prioritization of home delivered meal clients; in an effort to reduce the waiting list.

2. Supportive Services. Supportive services must be provided to persons 60 years of age and older with a preference to serve those who are socially or economically disadvantaged. The following supportive service must meet the standards for those services as issued by the Texas Department of Aging and Disability Services in the Texas Administrative Code.

40 TAC 85.309 - Senior Center Requirements

40 TAC 85.301- Transportation Service Requirements for the Elderly

40 TAC 85.302 - Nutrition Service Requirements

3. Attachment A – 2012 Service Requirements

Contract recipients will be reimbursed for units of service provided on an "at risk" unit-rate basis for those services identified as performance based-unit rated services. Documentation supporting units provided is required prior to reimbursement.

B. General Requirements Applicable to All Services:

The following requirements must be met if an applicant agency is awarded a contract for the services in the proposal.

1. **Service Standards:** All services shall be provided in accordance with standards as established by the Administration on Aging, the Texas Department of Aging and Disability Services and the Lower Rio Grande Valley Development Council.
2. **Documentation:** Written documentation shall be maintained to verify the provisions of all funded services. All client data must include demographic information as required by NAPIS, but is not limited to client intake, narrative, assessment, client rights and responsibilities, rosters, and sign-in-sheets. The release of medical information will be required only if the service requires to obtain such information and for referral purposes as applicable. The Area Agency on Aging will reserve the right to request copies of client in-takes or any other documentation it deems necessary to monitor and assess program implementation.
3. **Compliance:** Contractors will comply with all applicable Federal, State, and local laws, regulations, standards, policies, and procedures. This includes health, fire, safety, building, zoning and sanitation laws, insurance, ordinances or codes.
4. **Non-Discrimination:** Contractors shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.
5. **Confidentiality:** Contractors shall have procedures to ensure that no information about an older person, or obtained from an old person, is disclosed in a form that identifies the person without the informed consent of the person or of his/her legal representative.
6. **Service Charges.** A contractor may not charge a participant a fee in order to receive services, although contributions may be encouraged.
7. **Contributions for Services:**
Opportunity to contribute: Each contractor must provide documentation that clients have been given an opportunity to contribute to the cost of services as follows:
 - a. Provide each older person with a free and voluntary opportunity to contribute to the cost of service;
 - b. Protect the privacy of each older person with respect to any contribution;

- c. Establish procedures to safeguard and account for all contributions; and,
- d. Use all contributions to expand or maintain the service for which it was received.
 - 1. Contributions Schedules: Each contractor will develop a suggested contribution schedule. In developing a schedule, the contractor must consider the income ranges of older persons in the community and the contractor's other sources of income. Applicant must submit a copy of the established participant contribution policy.
 - 2. Failure to contribute: A contractor may not deny any older person a service because the older person will not or cannot contribute to the cost of the service.
 - 3. Contributions as Program Income: Contributions made by eligible program recipients for Title III services received are considered program income and cannot be used toward satisfying program matching requirements.

H. **Drug Free Workplace:** Potential service providers will assure that they are in compliance with federal and state requirements to operate in a drug-free environment.

I. **Grantees and sub grantees** must not make any award or permit any award (sub grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

J. **Means Tests:** Contractor may not require an older person to disclose information about income or resources as a condition for receiving services but may obtain this information to better determine those in the greatest economic and social need. Contractors may accept a self-declaration of an individual's financial status, as a reasonable estimate regarding the status of social or economic needs of the individual concerned.

K. **Greatest Economic and Social Need:** Contractors shall give preference in the delivery of service to older persons with greatest economic and social need, with special attention to the low income, minority, and elderly.

X. REPORTING REQUIREMENTS:

A. Providers must have established reporting procedures that comply with Area Agency on Aging reporting requirements.

- B. Contractors shall maintain fiscal records and support documents for all program income and expenditures of funds in conformity with federal and state regulations and generally accepted accounting procedures.
- C. Contractors shall submit monthly financial and program performance reports to the Lower Rio Grande Valley Development Council Area Agency on Aging within a specified time and in a format specified by the agency. Failure to submit timely reports may result in appropriate administrative action.
- D. Reporting of Abuse: Contractors shall report suspected cases of abuse, neglect, and exploitation to the Department of Family Protective and Services Division (1-800-252-5400) within 24 hours of awareness. The APS HOTLINE telephone will be prominently displayed for the information of participants.

XI. PARTICIPANT INVOLVEMENT

Contractors shall establish procedures to obtain involvement of and comments from elderly participants. Volunteer program to support service operations will be encouraged.

XII. OUTREACH AND TRAINING

Contractors shall provide outreach activities to ensure participation of eligible elderly persons and shall provide training for staff and volunteers to ensure effective service delivery to the elderly.

XIII. COORDINATION WITH OTHER RESOURCES

Contractors shall coordinate their activities with all other appropriate community resources to maximize efficiency of service delivery to the elderly.

XIV. PROVISION AGAINST SUBCONTRACTING

Contractors may not enter into any sub contractual agreements without prior approval of the Lower Rio Grande Valley Development Council Area Agency on Aging.

XV. AUDITS

The Contractor shall submit to the Agency an annual audit of the Contractor performed by an independent certified public accounting firm within 30 days after receipt of the auditor's report (s) or nine months after the end of the Contractor's fiscal year. The audit must cover the Contractor's entire organization and be conducted in accordance with generally acceptable auditing standards. Audits performed under this Section are subject to review and resolution by the Agency or its authorized representative.

The audit must be conducted and submitted in accordance with the standards for financial and compliance audits contained in the Standards for Audits of Governmental

Organizations, Programs. Activities and Functions, issued by the U.S. General Accounting Office; the Single Audit Act of 1984; OMB Circular A-133 Audits of States, Local Governments, and Nonprofit Organizations; and, the Uniform Grant Management Standards (UGMS).

The Contractor understands and agrees that the Contractor shall be liable to the Agency for any costs disallowed as a result of unresolved questioned costs revealed during audit. All questioned costs relating to Agency program must be resolved within one hundred eighty (180) days following receipt of the Contractor's audit by the Agency, otherwise disallowance of questioned costs shall be implemented, and the Contractor shall be liable to the Agency for such disallowed costs.

The Contractor shall have the right to appeal any such disallowed costs.

XVI. ATTACHMENTS TO BE INCLUDED IN PROPOSAL

The following items will be attached to the original proposal submitted to the Lower Rio Grande Valley Area Agency on Aging.

- A. List of current board members of corporate officers.
- B. Personnel policies and procedures, including job descriptions for all aging positions in your agency and agency grievance procedures.
- C. Certificate of fidelity bonding and liability insurance coverage.
- D. Inspection reports by Fire and Health Departments. If reports are not available, applicant agency must submit a statement regarding their unavailability.
- E. Signed Non-Conflict of Interest Certification
- F. Signed Non-debarment Certification
- G. Audit Information Sheet
- H. Signed Assurances
- I. Nutrition Services - Written procedures for prioritization of home delivered meal clients.
- J. Nutrition Services - Written procedures for reducing waiting lists.
- K. Emergency Plan for delivery of Services in case of an emergency.

XVII. Modification of Project Content

Changes in state and/or federal legislation may result in a requirement to re-negotiate contracts at any time prior to or during the contract period. Substantive changes to project content, procedures or budgets during the life of the contract may be accomplished by negotiating these modifications with the Lower Rio Grande Valley Area Agency on Aging. The Area Agency on Aging will pursue any necessary and appropriate contract modifications should legal or other changes occur in the project that significantly alter the original terms of the contract. No further solicitations of proposals will be required in such cases.

XVIII. APPEALS PROCEDURE FOR UNSUCCESSFUL APPLICANTS

A. General

The rules of the Texas Department of Aging and Disability Services, published as 40 TAC, 81.17 will be used as the appeals process for all disputes and appeals of all unsuccessful applicants. They are summarized in this section.

B. Right to Appeal

Any service provider or applicant to provide services whose application under an area plan is denied has a right to appeal such action, according to the rules of the Texas Department of Aging and Disability Services, 40 TAC, 81.17.

C. Notice of Appeal

A petitioner must give notice of appeal to both the area agency and the Texas Department of Aging and Disability Services within ten (10) days after it receives the area agency's action letter. The notice of appeal must be in writing and must state with specificity the grounds upon which the action is appealed and all grounds upon which the petitioner refutes the agency's action letter. The request must include (1) a copy of the agency's action letter; (2) the dates of all relevant actions; (3) the names of individuals and organizations involved in the action appealed from; (4) a citation to any provision of the Older Americans Act or regulations believed to have been violated by the Area Agency on Aging in taking the action appealed from; and (5) a certified copy of the resolution by which, or of the minutes of the meeting at which, the petitioner's governing body by majority vote of a quorum authorized the appeal and designated one or more persons to represent it during the appeal.

D. Informal Disposition

Upon receipt of a notice of appeal, the Area Agency on Aging and petitioner shall attempt to informally resolve the dispute that is the subject of the appeal. If the dispute is resolved, both the area agency and the petitioner will notify the

Texas Department of Aging and Disability Services, in writing, of the resolution. If the dispute cannot be resolved informally, the area agency will notify the Department of this fact, in writing, within fifteen (15) days after it receives the notice of appeal.

E. Submission of Appeal

At the same time, the area agency notifies the Department that the dispute cannot be informally resolved, the Area Agency on Aging will furnish the Department with copies of all pertinent documentation as is required by the Department, together with a concise statement identifying each remaining disputed issue, the Area Agency on Aging at this time may also respond in writing to the petitioner's appeal notice. The Area Agency on Aging will furnish a copy of its issue statement and response, if any to the petitioner. Within ten (10) days after receiving the issue statement and any response from the Area Agency on Aging, the petitioner may reply to either or both, furnishing a copy to the Area Agency on Aging.

F. Final Decision

The final decision for such appeals shall be made by the Texas Department of Aging and Disability Services. The decision will be based solely on the record. The Department will not substitute a judgment for that of the Area Agency on Aging as to the weight of the evidence on matters committed to the Area Agency on Aging's discretion. The Department's decision will affirm the action appealed from unless it is unlawful, arbitrary, or not reasonably supported by the substantial evidence in the record. The Assistant Commissioner of the Texas Department of Aging and Disability Services Division of Access and Intake will render a final decision on the appeal in writing within 75 days after receipt of the notice of appeal. The department will send a copy of the final decision to each party by registered or certified mail, return receipt requested, within three days after it is rendered.

OVERVIEW FOR POTENTIAL AAA SUBCONTRACTORS

The Area Agency on Aging is designated as responsible for planning, developing and supporting services for the elderly of the Lower Rio Grande Valley region. The LRGVDC Area Agency on Aging (AAA) annually subcontracts federal and state funds to a number of local governments, public non-profit and private non-profit organizations to provide nutrition and supportive services to senior citizens. It is important to the AAA, to its subcontractors, and to senior citizens that programs for the elderly in Texas be operated with efficiency and in conformance with applicable regulations. Consistent records and reports are necessary for evaluation of the effectiveness with which public funds are used. Both the AAA and subcontractors are responsible for maintaining adequate records and adhering to federal and state regulations. This guide provides an explanation of many important subcontracting, reporting, and record keeping procedures required by the AAA.

Funds appropriated by Congress to implement the Older Americans Act are awarded by the Texas Department of Aging and Disability Services to the AAA for administration at the local level. Based upon revisions of the federal appropriations bill, funds are divided among the states. In Texas, the Texas Department of Aging and Disability Services (TDADS) is responsible for allocating funds within the state. Allocations by TDADS are made based on statistical factors such as 60+ population, percentage of minority older persons, and percentage of minority older persons with low income levels in each of the Planning and Service Areas.

Funds allocated at the local level are based upon an approved area plan that is submitted to the Texas Department of Aging and Disability Services. The area plan must provide for nutrition and supportive services. Development of an area plan requires that nutrition and supportive services need to be determined, that subcontractors be selected, and that these services be coordinated with other human service agencies.

Ordinarily, the AAA receives more requests from potential subcontractors than there are funds available. AAA staff, Ad-Hoc Committee, the Aging Advisory Council, and the LRGVDC Board of Directors must consider all requests, negotiate budget changes, and finally determine how funds will be allocated.

To be eligible to receive funds, and organizations must be a general-purpose unit of local government, a political subdivision of the state, or a locally controlled, public non-profit or private non-profit corporation. Ability to operate for 60 days with non-federal funds is prudent and desirable, but not required. Funds provided through the Older Americans Act require a 15% local match by the subcontractor.

The provision of all services must comply with the Civil Rights Act of 1964 and related legislation, and must be open to all persons 60+ (and their spouses) giving preference to those with the greatest economic and social need. There is no income test for participant eligibility.

PART II PROPOSAL FORMAT

At a minimum, each proposal shall include the following items in the stated order.

1. Table of Contents
2. Narrative Statement of Proposal (2 page double spaced.)

The narrative statement should summarize the agency's plans to implement the program into the existing service structure or implementation of a new system. This summary should include the statement of need and pertinent demographic, social, and economic information.

3. Organization of the Agency (2 page double spaced)

Briefly state the history and purpose of the applicant organization. Include incorporation date, state chartered and principal source of financial support. In addition to this information, provide the following: a. Principle incorporators; b. Current Board of Directors with addresses; c. Chief Executive Officer; d. Principle Shareholders with percentage of ownership; and list of all affiliate companies or corporations with addresses.

Attach an organizational chart of the proposed project activity which clearly illustrates how the organization will be manage and be accountable for the project. Describe experience and relevant former activities of the organization that demonstrate an ability to attain the specific objectives of the proposed project.

4. Scope of Proposed Project (6 pages double spaced)

At a minimum, this section should address the following topics:

- A. Service Mix - List and describe the specific service or services to be provided to older persons. Indicate plans to develop, expand or improve services. If services are to be provided in multiple sites, include the address for each site.
- B. Service Delivery Plan - Indicate how the applicant agency proposes to deliver services. At a minimum address the following:
 1. Goals - What are the goals?
 2. Objectives - What are the objectives to meet the stated goals?
 3. Measurable outcomes/timelines?
 4. Strategies - How is the applicant agency going to address the objectives?
 5. Persons to be served?
 - a. Number of persons 60+
 - b. Number of family caregivers (Title III-E)
 - c. Low-income elderly with special emphasis for low-income minority

- d. Elderly in rural communities
- e. Frail elderly and those who are at-risk
- f. Elderly with limited English proficiency

6. Geographic area to be covered

- C. Staffing - Applicants who are awarded contracts are required to furnish project personnel with the professional classification, qualifications, skill and expertise required to perform the contracted services. In this section describe how the applicant agency will satisfy that requirement. Descriptions of any positions proposed for funding under the proposal must include the qualifications required for the position.
- D. Coordination - Describe specifics of any agreements with other agencies which are opposed to facilitate accomplishment of the proposed service/s.

Senior Center Operation proposals must indicate coordination activities in order to meet the services required from Senior Centers. Proposals must also address coordination efforts with other senior centers or nutrition sites within their service area. Coordination efforts must detail what is expected of each. Documentation must be available at sites during monitoring visits.

- E. Participant Contribution - Describe how the applicant will implement procedures to assure compliance with the requirement for providing opportunity for participant contributions. Applicants must have available documentation regarding compliance with this requirement. Provide a copy of the contribution policy.

PROPOSAL COVER SHEET
NUTRITION/SUPPORT SERVICE PACKAGE
LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL
AREA AGENCY ON AGING

Name, Address, and Telephone number of Submitting Organization:

CERTIFICATION OF SIGNATORY AUTHORITY

I, _____, certify that I am the legal officer or (Title)_____ of (organization)_____; that the authority of the agency named herein to submit this document is derived from the following provision (check one):

- 1. By Laws
- 2. Articles of Incorporation
- 3. Other (explain):

That this document was duly authorized under said provisions; and that _____ who signed this document on behalf of said agency had authority to sign and submit it to the Area Agency on Aging on behalf of the organization.

Signature: _____

Typed Name: _____

Title: _____

Date: _____

ASSURANCE OF COMPLIANCE
WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

(Name of Applicant Agency) _____ (hereinafter called the "Subcontractor" HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of the Act and the Regulation, no person in the United States shall, on the grounds of physical condition, age, race, color, creed, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Subcontractor receives Federal financial assistance from the Lower Rio Grande Valley Development Council, recipient of Federal financial assistance from the Texas Department of Aging and Disability Services (hereinafter called "Grantor"); and HEREBY GIVES ASSURANCE THAT it will immediately take any measure necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Subcontractor by the Grantor, this assurance shall obligate the Subcontractor or in the case of any transfer of such property, and transferee, for the period during which the real property or structure is used for purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services and benefits. If any personal property so provided, this assurance shall obligate the Subcontractor for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Subcontractor for the period during which the Federal financial assistance is extended to it by the Grantor.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Subcontractor by the Grantor, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Subcontractor recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the Grantor or the United States or both shall have the right to seek judicial enforcement of the assurance. This assurance is binding on the Subcontractor, its successors, transferee and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Subcontractor.

Signature: _____
Typed Name: _____
Title: _____

Date: _____

ASSURANCE OF COMPLIANCE
WITH SECTION 504 OF THE REHABILITATION ACT OF 1973

(Name of Applicant Agency) _____ (hereinafter called the "Subcontractor") HEREBY AGREES THAT as a condition for receiving Federal assistance under the Older Americans Act of 1965, as amended, it will comply with Section 504 of the Rehabilitation Act of 1973. The Subcontractor assures that otherwise qualified handicapped person shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the Texas Department of Aging and Disability Services and the Lower Rio Grande Valley Development Council and further assures that it will conduct any program or operate any facility so assisted in compliance with all of the requirements imposed by the Regulation, or any directive issued pursuant to that Regulation.

Signature: _____

Typed Name: _____

Title: _____

Date: _____

ASSURANCE OF COMPLIANCE
SENIOR CENTER OPERATION

SERVICE REQUIREMENTS

(Name of Applicant Agency) _____ (hereinafter called the "Subcontractor" HEREBY AGREES THAT as a condition for receiving Federal assistance under the Older Americans Act of 1965, as amended, it will comply with the requirements set forth by the Lower Rio Grande Valley Development Council Area Agency on Aging for organizations seeking assistance for Senior Center Operations. Senior Centers must comply with the following:

1. Services must be offered to the elderly in the general population.
2. Senior Centers must provide or coordinate for participants to have access to the following services at a minimum:
 - a. health screening coordinated by health professionals at least twice during the project year
 - b. develop, maintain, and implement a fund development plan
 - c. exercise, physical fitness and recreational activities
 - d. information and referral
 - e. volunteer activities (other than the usual meal serving)
 - f. telephone reassurance
 - g. attend all AAA sponsored functions
 - h. develop programs that will promote healthy aging

These services will be in addition to existing services such as meals and transportation.

Signature: _____

Typed Name: _____

Title: _____

Date: _____

NON-CONFLICT OF INTEREST CERTIFICATION

Does the Applicant have as an officer, director, employee, consultant, or owner (in whole or in part):

- 1. A person who is currently an employee of the LRGVDC Area Agency on Aging, board member, or Area Agency on Aging council member? () Yes () No
- 2. A person who is currently an employee of the LRGVDC Area Agency on Aging, board member, or Area Agency on Aging advisory council member whose last day of duty with the LRGVDC was within the past two years? () Yes () No
- 3. A person who is related (see relationship key below) to a current employee of the LRGVDC Area Agency on Aging board member, or Area Agency on Aging advisory council member? () Yes () No
- 4. A person who is related to a current employee of the LRGVDC Area Agency on Aging, board member, or Area Agency on Aging advisory council member whose last day of duty with the LRGVDC was within the past two years? () Yes () No

Relationship Key	Wife Husband Father Mother	Brother Sister Son	Stepdaughter Stepson Mother-in-law Daughter	Spouse's sister Spouse's brother Father-in-law
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I certify that the information above is complete, true and correct to the best of my knowledge. I understand that lack of full, true and complete disclosure may be grounds for withholding payment for delivery of services and may cause contract termination.

Signature _____ Title _____ Date

LRGVDC AUDIT INFORMATION SHEET

Contractor's Name _____

Fiscal Year Ending Date _____

Federal Funding Received:

_____	_____
Agency Name	\$ Dollar Amount of Award
_____	_____
Agency Name	\$ Dollar Amount of Award
_____	_____
Agency Name	\$ Dollar Amount of Award
_____	_____
Agency Name	\$ Dollar Amount of Award

A-133 Audit Required from Funding Agencies:

Yes _____ No _____

If yes, Audit Firm Name, Address, and Contact Person.

Date last bid let out for audit firm _____

Expected date field work is to begin _____

Expected date audit to be turned into the LRGVDC _____

I certify that the above information is correct.

Signature Title Date

CERTIFICATION
REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS AND GRANTS

Federal Executive Order 12549 requires the Texas Department of Aging and Disability Services (TDADS) to screen each covered potential contractor/grantee to determine whether each has a right to obtain a contract/grant in accordance with federal regulations on debarment, suspension, ineligibility, and voluntary exclusion. Each covered contractor/grantee must also screen each of its covered subcontractors/providers.

In this certification “contractor/grantee” refers to both contractor/grantee and subcontractor/sub-grantee: “contract/grant” refers to both contract/grant and subcontract/sub-grant.

By signing and submitting this certification the potential contractor/grantee accepts the following terms:

1. The certification herein below is a material representation of fact upon which reliance was placed when this contract/grant was entered into. If it is later determined that the potential contractor/grantee knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, or the Texas Department of Aging and Disability Services may pursue available remedies, including suspension and/or debarment.
2. The potential contractor/grantee shall provide immediate written notice to the person to which this certification is submitted if at any time the potential contractor/grantee learns that the certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The words “covered contract,” “debarred,” “suspended,” “ineligible,” “participant,” “person,” “principal”, “proposal,” and “voluntarily excluded,” as used in this certification have meanings based upon materials in the Definitions and Coverage sections of federal rules implementing Executive Order 12549. Usage is as defined in the attachment.
4. The potential contractor/grantee agrees by submitting this certification that, should the proposed covered contract/grant be entered into, it shall not knowingly enter into any subcontract with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, and/or the Texas Department of Aging and Disability Services as applicable.

Do you have or do you anticipate having subcontractors/sub-grantees under this proposed contract? _____ YES _____ NO

5. The potential contractor/grantee further agrees by submitting this certification that it will include this certification titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion for Covered Contracts and Grants” without modification, in all covered subcontracts and in solicitations for all covered subcontracts.

6. A contractor/grantee may rely upon a certification of a potential subcontractor/sub-grantee that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract/grant, unless it knows that the certification is erroneous. A contractor/grantee must, at a minimum, obtain certifications from its covered subcontractors/sub-grantees upon each subcontract's/sub-grant's initiation and upon each renewal.

7. Nothing contained in all the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this certification document. The knowledge and information of a contractor/grantee is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

8. Except for contracts/grants authorized under paragraph 4 of these terms, if a contractor/grantee in a covered contract/grant knowingly enters into a covered subcontract/sub-grant with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in the transaction, in addition to other remedies available to the federal government, Department of Health and Human Services, United States Department of Agriculture, or other federal department or agency, as applicable, and/or the Texas Department of Aging and Disability Services may pursue available remedies, including suspension and or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS AND GRANTS.

Indicate which statement applies to the covered potential contractor/grantee:

_____ The potential contractor/grantee certifies, by submission of this certification, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract/grant by any federal department or agency or by the State of Texas.

_____ The potential contractor/grantee is unable to certify to one or more of the terms in this certification. In this instance, the potential contractor/grantee must attach an explanation for each of the above terms to which he is unable to make certification. Attach the explanation for each of the above terms to which he is unable to make certification. Attach the explanation(s) to this certification.

NAME OF POTENTIAL CONTRACTOR/GRANTEE _____

VENDOR ID NO./FEDERAL EMPLOYER'S ID NO. _____

Signature of Authorized Representative

Printed/Typed Name of Authorized Representative

Date

Title of Authorized Representative

THIS CERTIFICATION IS FOR FY 2009.
PERIOD BEGINNING _____ AND ENDING _____.

