



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE: July 9, 2012

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO
(IF APPLICABLE): N/A

SUBJECT: Approve and authorize the County Judge to sign an Assurance of Compliance with the Use of Rio Grande Area Agency on Aging Required Documents and a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts and Grants and the submission of these forms with a Direct Purchased of Services Vendor Application to the Rio Grande Council of Governments Area Agency on Aging to begin the FY 13 contract process for senior meal service.

BACKGROUND/DISCUSSION OF TOPIC:

The Rio Grande Council of Governments Area Agency on Aging (AAA) administers the federal Older Americans Act funding for senior services in a six county geographic region. The AAA uses a purchase of service arrangement with vendors to ensure a range of safety net services for senior citizens in the six county region that includes El Paso County. The AAA begins its annual procurement process with a Vendor Application. The AAA solicits vendors for congregate and home delivered meals in its service area. The County provides this service for individuals 60 years of age or older in El Paso. The AAA accepts the Department of Aging and Disability Services (DADS) negotiated unit rate for home delivered meals and it directly negotiates the a rate for congregate meals. The AAA is the only reimbursing source for meals served in senior centers. Through this application process, the County receives critical funding resources for meal service for seniors.

FISCAL IMPACT:

Upon successful completion of the vendor solicitation process, the County will contract with the AAA to receive reimbursement for congregate and home delivered meals in the next fiscal year from federal funds.

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

Commissioners Court has authorized this relationship since the inception of the program.

RECOMMENDATION: Department recommends approval of this item.

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY:

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable):

DATE:

SUBMITTED BY:

Rosemarv V. Neill, Director

(915) 834-8201



**RIO GRANDE COUNCIL OF GOVERNMENTS
AREA AGENCY ON AGING
DIRECT PURCHASE OF SERVICES VENDOR APPLICATION**

Vendor Information:

Legal Agency Name: El Paso County

dba: _____

Address: 500 E. San Antonio, Suite 301

City: El Paso State: TX Zip: 79901

Telephone (915) 546-8167 Fax Number (915) 532-4563

Authorizing Official Veronica Escobar Title County Judge

Billing Contact Person Grace Condardo Title Program Accountant

Billing Contact E-mail Address: GCondardo@epcounty.com

Type of Agency: Public Private Non-Profit _____ Private for Profit _____

Check appropriate response:

Minority owned business ___yes ___no

Gender owned business ___Female no
___Male

Certification:

State or federal agency that licenses and regulates your services: None

Please attach a copy of your license(s).

Bonding:

Is your agency bonded? No ______ Yes _____

If yes, name of Bonding Agency: _____

Please attach documentation of the bond.

Conflicts of Interest:

Please indicate all family relationships the officers of your company may have to any Area Agency on Aging staff person or Advisory Council Member: None

Service and Billing Information:

Please complete the following for *each* proposed service your agency will provide.
(Please note: The Area Agency on Aging purchases services per unit)

1. Proposed Service Congregate Meals

- A. Capacity: Number of units per month 18,983
- B. Define your unit of service: one noon time meal
- C. Number of qualified staff available to provide service: 13
- D. Service Area: County of El Paso
- E. Proposed service cost per unit \$ 3.64

2. Proposed Service Home Delivered Meals

- A. Capacity: Number of units per month 30,495
- B. Define your unit of service: One noon time meal
- C. Number of qualified staff available to provide service: 13
- D. Service Area: County of El Paso
- E. Proposed service cost per unit \$ 4.95

3. Proposed Service Participant Assessment

- A. Capacity: Number of units per month 30
- B. Define your unit of service: Annual reassessment of client
- C. Number of qualified staff available to provide service: 2
- D. Service Area: County of El Paso
- E. Proposed service cost per unit \$ 24.35

Required Attachments:
Please include the following:

- Copies of all licenses required in your service provision
- Assurances

Please Submit Application and Attachments to:

Rio Grande Council of Governments/Area Agency on Aging
Sandra Gonzalez, Client Services Manager
1100 N. Stanton, Suite 610
El Paso, TX 79902
(915)533-0998

**ASSURANCE OF COMPLIANCE WITH THE
USE OF RIO GRANDE AREA AGENCY ON AGING
REQUIRED DOCUMENTS**

In the provision of the Texas Department of Aging and Disability Services (DADS) Older Americans Act (OAA) services, Area Agency on Aging Access and Assistance staff may conduct an assessment, procure it or accept it from a qualified source. A client that is not assessed by a AAA Access and Assistance staff person may be assessed by a Vendor or Subcontractor of the RGAAA that is considered a qualified source.

Therefore, it is understood by El Paso County (legal name of organization) that the following documents will be utilized for any clients assessed to receive services paid for by OAA and/or DADS funding. The following documents to be utilized are:

- Client Intake and Service Request Form
- Consumer Needs Evaluation (Form AIAAA) (as applicable)
- Nutritional Risk Assessment (as applicable)
- Client Rights and Responsibilities Form

As the official authorized to execute agreements, I certify that compliance with the use of RGAAA Standard Documents will be accomplished and that evidence of such compliance will be available to the Rio Grande Council of Governments/Area Agency on Aging staff upon request.

Veronica Escobar, County Judge
Printed Name and Title of Authorized Official

July 9, 2012
Date

Signature _____

**ATTACHMENT B
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 (DADS) 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/subgrantee; "contract/grant" refers to both contract/grant and subcontract/subgrant.

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/subgrantees under this proposed contract? XX 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/subgrantee 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/subgrantees upon each subcontract's/subgrant'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/subgrant 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 State 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:

- XX 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(s) to this certification.

NAME OF POTENTIAL CONTRACTOR/GRANTEE El Paso County

VENDOR ID NO./FEDERAL EMPLOYER'S ID NO. 74-6000762

Signature of Authorized Representative
July 9, 2012
Date

Veronica Escobar
Printed/Typed Name of Authorized Representative
County Judge
Title of Authorized Representative

THIS CERTIFICATION IS FOR FY 2013, PERIOD BEGINNING October 1, 2012 and ENDING September 30, 2013.

INSTRUCTIONS FOR CERTIFICATION

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1. By signing and submitting this proposal, the prospective contractor/grantee is providing the certification set out below.
2. The inability of a contractor/grantee to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective contractor/grantee shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective contractor/grantee to furnish a certification or an explanation shall disqualify such contractor/grantee from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective contractor/grantee knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective contractor/grantee shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective contractor/grantee learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective contractor/grantee agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective contractor/grantee further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in 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 clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.