

SECTION 4: SCOPE OF SERVICES

4.1 Nutritional Content Requirements:

- a) The Proposer shall abide by all pertinent provisions of law, including but not limited to the Federal Older Americans Act, Article 15 of the New York State Executive Law, the Federal Social Security Act. The Proposer shall abide by all other rules regulations or requirements imposed or issued by the New York State Office for Aging, including those requirements set forth in the Standard Clauses for ACDFA, (EXHIBIT "A"), and Standard Assurances (Attachment "A"). The Proposer shall demonstrate knowledge of the Nutrition Program Standards 19-PI-26, Title III-C1 funding for the Congregate Meal program and current U.S. Department of Health and Human Services, USDA regulations (EXHIBIT "B").
- b) The Proposer shall develop formal written procedures and guidelines for all aspects of their congregate meal service delivery, such procedures and guidelines will be distributed to staff at all sites and updated to reflect changes in program requirements as may occur over the term of the Agreement. Copies of all procedures and guidelines developed will be provided to the ACDFA.
- c) The Proposer shall plan, prepare and serve all meals according to the Nutrition Program Standards through the issuance of New York State Office for Aging Program Instructions (PIs) and Technical Assistance Memorandums (TAMs), and adhere to the daily Dietary Reference Intake (DRI)/Recommended Daily Allowance (RDA) and the current Dietary Guidelines for Americans. Compliance with all nutritional guidelines shall be routinely monitored by the regulatory agencies.
- d) The Proposer:
 - Agrees to provide nutritious and balanced meals to all clients according to the approved menu. Note: No special medical, therapeutic and/or modified consistency diets are offered through the ACDFA meal program.
 - Agrees to produce attractive, palatable and satisfying meals with consideration given to participant and volunteer comments and ACDFA Dietitian evaluations.
- e) The Proposer shall prepare and provide meals that meet a minimum of one-third (1/3) for one meal and two-thirds (2/3) for two meals of the required daily DRI/RDA. Older adults have specific nutritional needs and should include nutritious, flavorful, and culturally appropriate meals. The Proposer shall submit menus and prepare meals that use a variety of nutrient-dense foods and beverages while choosing foods that limit the intake of saturated fats, have no trans-fats and have little added sugars and salt. Meals shall be planned to keep total fat intake between 20-35 percent of calories, with most fats coming from sources of polyunsaturated and mono-unsaturated fatty acids. Less than 10 percent of calories shall be from saturated fat. Meals shall be prepared with little salt and with a goal of 500-800 mg of sodium per meal. It shall be necessary to utilize some low or lower sodium ingredients to achieve this requirement.

Food and beverages in this regular meal shall be prepared with little to no added sugars and emphasis shall be given to fiber- rich fruits, whole grains, vegetables and fat free or low-fat dairy products (see EXHIBIT “B”, page 25 of NYSOFA 19-PI-26).

- f) Meal components, as listed below shall be included, as part of the meal served:
 - 1. Three (3) ounces edible protein, i.e. chicken, beef, pork, fish, cheese, etc.
Casseroles shall be eight (8) ounce portions of which three (3) shall be protein.
 - 2. Three (3) servings of vegetable and/or fruit, which shall include:
 - One half (½) cup cooked or raw vegetables.
 - One half (½) cup fruit or four (4) ounces of 100% juice.
 - One (1) cup large berries, melon or salad greens.
 - 3. Two (2) serving of grain, with at least one (1) ounce whole grain, all others shall be enriched grain.
 - 4. One to Two (1-2) teaspoon oil/fortified margarine spread or butter.
 - 5. Eight (8) ounces of fat free or low fat, or 1 serving of dairy and/or vitamin D fortified 100% fruit juice, see page 24 of NYSOFA 19-PI-26, (EXHIBIT “B”).
 - 6. One-half (½) cup of dessert.
- g) The Proposer shall procure all food and supplies as required in the preparation of meals in accordance with the standardized recipes and menus as approved by the ACDFA Registered Dietitian.

*Please Note: Omission of any components of the approved menu constitutes a violation of the Menu Policy. Meal reimbursement shall be denied if any part of the meal is omitted. Substitutions require prior approval by the ACDFA Registered Dietitian at least 2 days in advance of the meal service. Substitutions should be a comparable food item of the same food group.

4.2 Targeting:

The Proposer shall make targeted outreach with attention to; low income, low-income minority individuals, and older adults residing in rural areas, older adults with greatest economic need, older adults with limited English proficiency, older individuals who are frail or with severe disabilities older adults with Alzheimer’s Disease, or related disorders with neurological and organic brain dysfunction and the caretakers of such individuals to insure that the most critical needs of the targeted population are met. The Proposer shall target and prioritize services to older adult clients in compliance with NYSOFA targeting program instruction 12-PI-08, 13-TAM-01, (EXHIBIT “C”).

4.3 Menu Policy, Meals Preparation and Service:

- a) The Proposer shall have on its staff a qualified individual responsible for the overall site operation, who shall be expected to work closely with the ACDFA Registered Dietitian (RD).
- b) The Proposer will follow the ACDFA Menu Development policy (EXHIBIT "D"). All cycle menus shall be submitted for nutritional analysis and approval at least three (3) weeks in advance of implementation. The ACDFA RD will work collaboratively with the Proposer(s)

during the menu review and approval process. Proposers shall keep copies of the approved sample menus on file for one year from the implementation date.

- c) Special Religious and Cultural meals shall be required as part of the Menu Policy and menus shall be submitted for approval by the AC DFA RD prior to serving.
- d) The AC DFA RD assumes all menu items are prepared from scratch vs. prepackaged. If menu items are pre-prepared, processed, cured and/or canned, nutrition labels for those items shall be noted as such and submitted with the menu for analysis. If during a menu cycle or at any time during food purchasing a distributor changes a product the Proposer shall submit the nutritional facts and ingredient label to AC DFA RD for review and approval.
- e) All menu items with more than one ingredient shall have a quantity standardized recipe. Proposers will be required to use the standardized recipes available through the AC DFA Share Point Recipe Program. (EXHIBIT “E”).
- f) Due to availability and fluctuating costs of food items on a pre-set menu, the Proposer shall sometimes require an occasional substitution. Changes in the approved menu shall be considered only with prior approval from the AC DFA Registered Dietitian or designee and kept to an absolute minimum.
- g) Failure to comply with the Menu Policy shall be considered a violation of contract requirements. Non-compliant meals shall be denied and as such reimbursement for said meals shall not be considered.

4.4 Kitchen Facilities:

- a) The Proposer shall have NY SOFA approval for the operation of any contracted or directly operated nutrition site, satellite site, central kitchen or facility which prepares, packages or serves meals using NY SOFA administered funding. Operation permits are kept on file at the AC DFA for NY SOFA review.
- b) The Proposer shall prepare within an approved kitchen and/or provide complete meals, portioned for use at all congregate meal sites as required by the County.
- c) The Proposer shall meet requirements for food handling, preparation and service and comply with the New York State Sanitary Code, subpart 14-1. In addition, facilities used for meal preparation and the delivery of meals shall meet all fire and safety regulations as denoted and described in Nutrition Program Standards, (EXHIBIT “B”). The Proposer shall maintain copies of their annual Department of Health permit and fire inspections for review by AC DFA staff. Copies must be made available to AC DFA upon request.
- d) The Proposer shall have written site agreements between the Proposer and all sites serving meals. The site agreement must address as denoted and described in Nutrition Program Standards (EXHIBIT “B”). The Proposer shall be contractually required to maintain

operations at approved sites until written permission to discontinue service is obtained from the ACDFa or the terms of the Agreement ends.

4.5 Staff, Supervision and Training:

- a) The operation of the nutrition program should be overseen by a qualified and responsible supervisory designee, who shall have a thorough knowledge of: supervising and directing the work of others; an ability to plan.
- b) The Proposer shall be responsible for:
 - Implementing staff and volunteer orientation.
 - Coordinating “Staff and Volunteer Training” (EXHIBIT “F”)
 - Ensuring compliance with all ACDFa rules and regulations.
- c) Proposer shall furnish the employees and/or volunteers needed for full implementation and operation of the program.
- d) In order to control the operation of the nutrition program the Proposer shall have personnel policies and procedures and job descriptions for all staff and volunteers.
- e) All staff and volunteers shall be warm and welcoming and treat clients with dignity and respect. Staff and volunteers shall be neat, clean and properly dressed.
- f) All staff shall be aware of the physical and social needs of the older adults. The Proposer will be required to provide training and follow the ACDFa protocol especially for emergency situations. Staff and volunteers who note any adverse changes in the client(s) condition or circumstances are required to report to ACDFa or Unit.
- g) The Proposer must have a written policy and procedures for all staff and volunteers which protects the confidentiality and limit the access to the client’s information, (EXHIBIT “G”) Confidentiality is to be guaranteed for all clients receiving services funded by the US Department of Health and Human Services-Administration on Community Living (ACL), NYSOFA and Albany County. No information may be disclosed that identifies the person or his or her legal representatives unless disclosure is agreed to through written signed informed consent and confidentiality forms, or is required by court order, or by program monitoring by authorized staff from New York State Office for Aging or ACDFa. This includes obtaining the informed consent of an individual for the purpose of disclosing personal information to service providers for refer or any other purpose. In addition, other laws governing consent to capture, share, and disclose client information may apply generally to all individuals or to specific population groups, (EXHIBIT “H”).

4.6 Food Service Practice Compliance:

- a) The Proposer shall comply with the New York State Sanitary Code, subpart 14-1 and local health and sanitation regulations. The older population is a high-risk population and are at greater risk for foodborne illness. The Proposer shall ensure proper handling of potentially

hazardous foods at each stage of food handling, preparation and delivery. Time-temperature testing shall be conducted using an approved food grade thermometer. Time-temperatures will be monitored and recorded according to ACDFR policy and procedure. The Proposer shall ensure that all time and temperature regulations are followed, (EXHIBIT "I").

- b) Handling of potentially hazardous foods required by regulations include:
 - Reaching internal temperature of cooked foods according to regulations and maintain holding temperatures of hot foods at minimum temperature of 140 degrees Fahrenheit.
 - Keeping cold foods at or below 45 degrees Fahrenheit, (see EXHIBIT "B", page 14; NYSOFA 19-PI- 26).
 - Maintain frozen foods at or below 0 degrees Fahrenheit.
- c) Potentially hazardous foods will be held at the respective temperatures during transportation and holding prior to service. Hot foods shall not be held longer than two (2) hours after the completion of cooking.
- d) The Proposer shall have a policy and procedure for food delivered to satellite sites. This will include monitoring of transport vehicles for regular maintenance and cleanliness, appropriate and functioning equipment for transport of hot, cold and/or frozen foods. Hot foods shall be packed separately from cold and frozen food items. The Proposer shall have a written contingency plan of resolution in the event the above standards are not met. The Proposer will notify the ADCFA within a reasonable time frame to report any issues with non-compliance with time and temperatures including corrective action. Time and Temperature Logs must be monitored and submitted to ACDFR as directed in the policy and procedure. (EXHIBIT "I").

4.7 Congregate Dining Site Environment:

- a) The Contractor Congregate sites are located in as close proximity to the majority of eligible older individuals' residences as feasible. All sites must be in an area that is easily accessible to the target population and in compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
- b) The dining site shall be accessible and open at least one (1) hour before and after the meal to permit all participants to eat a leisurely meal, enjoy social contact and to take advantage of other services at the site. The Proposer shall monitor and enforce the time of meal service within a specific time frame the dining site is open to the maximum extent possible, sites should be open at least up to five (5) days a week to have a greater impact on the nutritional status of the participants.
- c) The Proposer will, to the maximum extent possible, provide for supportive, educational and/or recreational services and activities at the congregate meal site (sites).

- d) A copy of the signed approved menu by the ACDFR Registered Dietitian must be prominently displayed in the food preparation area of the kitchen at all times and used for reference.
- e) All Congregate Sites shall have a monthly menu posted and copies available for participants to take.
- f) Congregate meal providers have the option to allow participants to take leftover food home. Providers who do not allow food to be taken from their congregate sites must have a procedure in place to communicate this to participants. Those Proposers who allow participants to take leftovers home must follow the ACDFR policy and procedure. (EXHIBIT "J")
- g) Closures other than federal, state and county holidays must be communicated to ACDFR as follows:
 - Notification of pre-determined date(s) of closing and reason is noted on the approved cycle menu.
 - In the case of inclement weather, emergencies or unforeseen situations the Proposer shall notify ACDFR of the situation immediately.

4.8 Client Eligibility, Registration and Sign-in Sheets:

- a) The Proposer shall ensure all potential participants complete an ACDFR Client Registration Form (EXHIBIT "K") and applicable "Informed Consent" forms (EXHIBIT "H") and the "Nutritional Risk Screening Form" (EXHIBIT "L"). These forms should be reviewed annually and updated if changes are identified. Forms should be updated more than annually if there is a change in program/services or client status. For those participants who consent to their information being captured, the completed Congregate Registration Form data will be entered into the Statewide Client Data System and the "Informed Consent to Capture form(s)" shall be scanned and uploaded into the Statewide Client Data System. All Clients age 60+ receiving congregate meals are expected to be registered. During the public health emergency, if Client registration is not possible it is expected that the client is identified as being served due to COVID emergency in the Statewide Client Data System, (21-TAM-01).
- b) The Proposer shall have a system for accepting meal reservations including the ability to forecast meals to control program costs. ACDFR shall only reimburse the provider for those meals accompanied by the signature of an eligible participant on the sign in sheet.
- c) The Proposer shall have a procedure in place that ensures that eligible participants are given priority for meals over all guests and staff under sixty.

- d) Congregate meals may be made available to handicapped or disabled persons under 60 years of age who reside in a senior housing facility where congregate meals are served. Clients shall be referred to other supportive services when applicable (e.g., NY Connects, SNAP, HEAP, Transportation, etc.).
- e) The successful Proposer shall maintain daily sign-in sheets at each congregate meal site. All registered participants and volunteers 60+ years are required to sign-in for a meal to be reimbursed. If the registered participant is unable to sign in personally, the meal site manager or designee is required to have a process to monitor, and verify each participant who receives meal and is unable to sign.
- f) Under age 60 guests shall be identified separately from eligible program participants. The Proposer shall have a system to track the monetary contributions of under age 60 guests/participants and volunteers.

4.9 Contributions:

In providing services pursuant to this Agreement, the Proposer shall not charge any fee or require any contribution for participation in any activities or programs it provides to older adults residents of Albany County, the Proposer shall:

- a) Adhere to the guidelines set forth in 18-PI-17, (EXHIBIT “M”).
 - The contribution policy shall be explained to all individuals inquiring about the program or service. No client will be denied services for an inability or unwillingness to make a contribution. The Proposer shall not charge any fee or require any contribution for programs covered by funding from AC DFA. Protect the privacy of each older adult regarding contributions;
 - Establish a procedure to safeguard and account for all contributions. Said procedure shall be approved in advance by the Department for Aging;
 - Use all contributions to expand services of the program. The Proposer shall clearly illustrate how the contributions were used for expansion;
 - Not deny services to or discriminate against any older adult in the delivery of service because the older adult did not contribute;
 - Contributions shall be reflected monthly on each voucher in the following manner: voucher amount (i.e., no. of units x rate) less contributions received = net amount due.
- b) AC DFA will determine the “Suggested Meal Contribution”. Proposer agrees to comply with policies and procedures related to contributions made by or on behalf of individuals, including procedures to safeguard and account for all contributions as outlined in the above- referenced NY SOFA Program Instruction. Individuals with self-declared incomes at or above 185 percent of the federal poverty line shall be encouraged to contribute at levels based on the actual meal cost.
 - SNAP benefits shall be accepted for congregate meal contributions upon certification by the Department of Social Services. However, clients that have

SNAP benefits shall be encouraged to use these resources to obtain proper nutrition for their other daily meals.

- ACDFA provides the Congregate Meal Site suggested contribution signs that shall be prominently located at sites where the congregate meal takes place and includes the suggested meal contribution rate.
- A contribution lock box with opaque envelopes available shall be visible at the congregate site near or next to the ACDFA Congregate Sign displaying information about the contribution policy.
- Contributions shall be deposited into a locked box by the participant using the opaque envelopes to protect the confidentiality of participant's donation.
- Contributions shall be jointly counted daily by a staff member and either a volunteer or a service program supervisor. The Proposer shall report all contributions monthly. All contributions shall be used to expand services of the program.
- All contributions received each day shall be entered into a ledger and each person counting the contributions shall certify the amount received each day.

4.10 Monitoring:

- a) All program facilities utilized by the Proposer in the delivery of services pursuant to this Agreement are to be open to authorized personnel from the federal government, New York State and Albany County Department for Aging, for the purposes of observation and monitoring contract and program, fiscal operations. The Proposer shall be monitored to ensure they are performing in accordance with requirements of federal, state, and local laws, regulations and guidance documents (including ACL and NYSOFA Program Instructions, Technical Assistance Memoranda, and Information Memoranda) and this Plan. Additionally, the Proposer shall be monitored to ensure they perform and make expenditures only for authorized items of expense contained in approved budgets. A written report of all inspections will be kept at the Albany County Department for Aging with a copy provided to the Proposer. Any defects or faults found are to be corrected within the designated timeframe or within 24 hours in the case of a health and safety risk. Failure to comply and take the necessary corrective action shall be grounds for immediate termination of the contract.
- b) The Proposer shall make all financial, program, and other related records available to Federal, State, and/or County personnel conducting monitoring visits to program offices and kitchens.
- c) Technical assistance and programmatic information concerning the Home Delivered Meals Program shall be shared by ACDFA as it is received from the New York State Office for Aging. These communications may also comprise special surveys of need, performance reviews and promotion of related programs, advice on special nutrition-related health risks concerning the elderly and warnings concerned with food-borne illnesses.

- d) The Proposer shall furnish a copy of their policies with regards to equal opportunity and non-discrimination for employment.

RECORDS AND RECORDING DATA

4.11 Program Reporting and Claim Forms:

shall be submitted monthly to the Department's Fiscal Director by the 10th day of the following month. Monthly forms and reports consist of the following:

- a) Client Registration Data (for those who consent) and actual units of service must be entered into the Statewide Client Data System each month. For those individuals who do not consent (this should be minimal) an anonymous aggregate unit number must be entered into Statewide Client Data System and align with the itemized breakdown of units of service.
- b) Claim forms shall include an itemized breakdown of units of service and cost per unit. All contributions collected during the month for the service shall be reported on the Congregate Meal Claim Form (EXHIBIT "N") and be subtracted from the gross amount of the claim. Vouchers will be paid on the net (services x units = gross less contributions = net) amount. A claim will not be processed for payment if the units entered into the Statewide Client Data System do not match the units billed.

4.12 Program Surveys and Performance Targets:

- a) Each congregate meal participant shall be given an opportunity to comment on the meals. The participant aka "client" shall receive the Client Satisfaction Survey, (EXHIBIT "O") at the end of the service or at a minimum annually. Returned surveys shall be reviewed and tabulated on the Outcomes and Performance Target Reporting Form, (EXHIBIT "P") and sent in with the monthly claim form.
- b) The Proposer is required to present a minimum of six (6) pre-approved "Nutrition and Health Education Presentations" per year at each congregate site. The Proposer shall report to ACDFA the number of participants, the presentation topic, the presenter and date of the presentation on the Nutritional and Health Education Report. The Proposer is required to solicit feedback annually from congregate participants regarding the nutrition and health education utilizing the ACDFA "Nutrition and Health Presentation Survey". In order to assess the success and impact of Nutrition Education offered to congregate participants each client shall receive the Nutrition Education Survey (EXHIBIT "Q") at a minimum annually. These surveys should be submitted along with the Nutrition Education Report (EXHIBIT "R") and sent in with monthly claim form.

4.13 Complete and proper accounting records shall be maintained by the Proposer which

shall clearly identify the costs of the work performed under this Agreement. Upon County request, such records shall be subject to periodic and final audit by the County. Any attempt to delay the County's audit of program records shall constitute a breach of contract, and shall entitle the County to the remedies set forth in Article 3 of Schedule A, as well as all other remedies for breach of contract and/or fiduciary duty available in law or equity.

4.14 All program records shall be accessible to the County, the New York State Office of Aging, and the New York State Comptroller for a period of six (6) years following the date of final payment by the County to the Proposer for the performance of the work contemplated herein. The Proposer shall make all financial, program, and other related records available to Federal, State, and/or County personnel conducting monitoring visits to program offices and/or other facilities upon request.

4.15 The Proposer will provide an accounting of total costs of U.S. origin foods purchased and eligible for USDA reimbursement by the Federal government. USDA funds provided to the Home Delivered Meals Program shall be based on the prevailing rate at the time of payment to the Proposer and only for those meals meeting regulatory requirements. USDA reimbursement funds are only available towards foods grown and processed within the USA, (EXHIBIT "S").

4.16 The Proposer shall maintain copies of their annual Department of Health permit and fire inspections for review by AC DFA staff. Copies must be made available to AC DFA upon request.

4.17 Other Program and Services:

- a) Each month, Successful Proposers shall receive copies of the AC DFA Nutrition Information. The Contractor shall distribute the Nutrition Information to each participant.
- b) The Proposer shall participate in the Senior Nutrition Farmer's Market Program. This is a seasonal program and guidance is provided by AC DFA.

VOTER REGISTRATION

4.18 The Proposer shall offer voter registration forms to persons upon an initial application for services, and with each renewal, recertification, or change of address for relating to such services (EXHIBIT "T").

- a) The Proposer shall assist applicants the same way the applicant would be provided assistance in completing any agency forms.
- b) The Proposer will forward any forms received to the appropriate Board of Elections within ten (10) days of acceptance of a form.

DISASTER EMERGENCY

- 4.19 The successful proposer shall comply with all Covid-19 and Social Distancing requirements of the County; the State of New York, including, but not limited to, the Governor's executive orders and the Empire State Development Corporation's guidelines and requirements; and the federal government. And the Contractor shall be subject to the provisions of the County's Local Emergency Order re Covid-19 and all supplements/renewals to said order.