

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 4—Older Americans Act

PROPOSED AMENDMENT

19 CSR 15-4.200 Area Agency on Aging Subgrants or Contracts. The department is amending sections (1), (4), and (5), and deleting sections (2) and (3).

PURPOSE: This amendment updates terminology and legal authority.

PURPOSE: This rule sets forth requirements for the area agency on aging to follow in awarding subgrants and contracts.

(1) The area agency on aging shall follow applicable procurement standards as specified in 45 CFR Part [74]75 and 2 CFR Part 200. [If an area agency utilizes a request for qualifications (RFQ), this shall be considered a competitive negotiation procurement method as described in subsection 11c of Appendix G.

(2) The area agency shall publicly announce all solicitations at least thirty (30) calendar days prior to the deadline for acceptance of responses. Media announcements shall be made within the appropriate planning and service area in a manner that will enable current and potential service providers to be notified. The public notice shall—

- (A) Identify each program/service to be funded;
- (B) Specify the date by which responses must be submitted for consideration; and
- (C) Advise how copies of the solicitations may be obtained.

(3) The area agency shall submit, for the division's prior approval, any proposed contracts with profit-making organizations for the provision of services under the area plan as required by section 212 of the Act. The area agency is not required to submit to the division for prior approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations.

(A) In addition to complying with all applicable federal procurement practices, all purchases shall be based on competitive bids, except that the area agency may make purchases shall be based on competitive bids, except that the area agency may make purchases of less than two thousand dollars (\$2,000) in value on the open market. On any purchase estimated at ten thousand dollars (\$10,000) or more the agency shall advertise for bids in at least two (2) newspapers of general circulation in such places as are most likely to reach prospective bidders at least fourteen (14) days before bids are to be opened. The agency shall also solicit bids by mail from at least three (3) prospective suppliers on purchases of ten thousand dollars (\$10,000) or more. For purchases of more than two thousand dollars (\$2,000) but less than ten thousand dollars (\$10,000) bids must be solicited and documented, but advertising or direct mailings are not required. The contracts shall be let to lowest and best bidder.]

[(B)](A) The area agency on aging may waive the requirement of competitive bids for the purchase of food items when special temporary market conditions exist and the food items can be purchased for at least ten percent (10%) less than the most current bid price for the same food items.

~~[(4)]~~**(2)** The area agency **on aging** shall use subgrants or contracts with service providers to provide ~~[all services]~~ **supportive services, nutrition services, and/or in-home services** under all OAA funding sources. For waiver of this requirement, the area agency **on aging** shall submit a written request **in accordance with the area plan preprint instructions** that thoroughly documents that direct provision of service, using its own employees, is necessary—

(B) Where those services are directly related to the area agency~~['s]~~ **on aging's** administrative functions; or

(C) Where those services of comparable quality can be provided more economically by the area agency **on aging**.

~~[(5)]~~**(3)** If an area agency **on aging** receives a waiver to provide a service directly, all applicable requirements for that service as set forth in ~~[13]~~**19** CSR 15-7 and ~~[13]~~**19** CSR 15-4 shall be met.

AUTHORITY: section[660.050] 192.2000, RSMo [Supp. 1999] 2016. This rule was previously filed as 13 CSR 15-6.125 and 13 CSR 15-4.200. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.200, effective Aug. 28, 2001.*

**Original authority: 660.050, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: DSDSDirectorsOffice@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*