Senior Services
of Southeastern Virginia

OAA - TITLE III-B

Legal Services

Application

Packet

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Senior Services
of Southeastern Virginia

May 5, 2023

Application for Older Americans Act Services

Senior Services is accepting applications for support of Older Americans Act Services during FY 2024, (October 1, 2023 - September 30, 2024). Public and private non-profit agencies, profit making organizations and municipalities are eligible to apply. The deadline for submitting completed applications is Friday, June 16, 2023, at close of business day, 4:30 p.m.

Enclosed for your completion is an application kit. Different services require different forms. Please make sure you complete the proper application.

Additional information and technical assistance is available from Senior Services during your proposal development process by calling me at (757) 222-4511. **The proposer's conference will be held on Tuesday, June 6, 2023 at Senior Services conference room at 2551 Eltham Avenue from 9:00 a.m. - 11:00 a.m.**

Applicants will be notified by Senior Services of their decision to accept or reject a service proposal on or before August 18, 2023.

We look forward to receiving your application.

Brigid Z. Miller

Chief Financial Officer

Senior Services of Southeastern Virginia

REQUEST FOR APPLICATION

Information & Instructions

Senior Services of Southeastern Virginia is accepting applications for provision of Title III Older Americans Act services under the Area Plan for Aging Services. Funding will be available for the period October 1, 2023 to September 30, 2024 (FY24). Proposals accepted for funding in FY24 may be renegotiated for four additional years.

Applications will be accepted for provision of the following services:

Adult Day Care
Congregate Meals
Home Delivered Meals
Legal
Meal Preparation
Respite Homemaker

Programs and services funded are governed by the Older Americans Act of 1965, as amended. Copies of the Older Americans Act of 1965, as amended, and of the most recent Federal Regulations interpreting the Act are available for review. Sample copies of the agreement to be signed between Senior Services and those contractors accepted as vendors are available for review in the Senior Services Administrative offices. If you are interested in reviewing the agreement or Older Americans Act, please contact:

Brigid Miller
Chief Financial Officer
2551 Eltham Avenue
Suite Q
Norfolk, Virginia 23513
(757) 222-4511

Providers will be selected based on the evaluation criteria shown below. You may be requested to attend interviews or to otherwise clarify your application and to submit revisions of your proposals as may result from negotiation. This application does not commit Senior Services to award a contract, to pay for any costs incurred in the preparation of the application, to respond to this request or to be bound to procure or contract for these services. The decision to award will be based on, but not limited to the following:

A. Experience and ability of the agency/organization in delivery of the service;

B. Expertise in reaching the elderly in greatest economic and social need

C. Reasonableness of costs;

D. Amount of resources leveraged for the proposed project;

E. Adherence to service definition and service delivery parameters;

F. Availability of funds;

G. Geographic area(s) to be served;

A proposer's conference will be held on Tuesday, June 6, 2023 at the Senior Services Office on Eltham Avenue from 9:00 a.m. to 11:00 a. m.

Applicants should be notified by Senior Services of its decision to accept or reject a service proposal on or before Friday, August 18, 2023.

Instructions:

A. An original application for each service should be submitted to Senior Services no later than the close of the work day (4:30 p.m.) **June 16, 2023.** Complete the Word formatted application. Attach additional pages where necessary.

B. Refer to the enclosed descriptions of services defined by the Virginia Department for the Aging.

C. Each agency must submit a separate application for each service.

D. Services will commence on October 1, 2023 and the project year ends September 30, 2024. Proposals accepted for funding in FY24 may be renegotiated for four additional years.

E. Changes may be required in a proposed budget. If this should be the case with your application, your agency will be notified by Senior Services. Submission of a modified application may be requested of the applicant by Senior Services to include a scope of work reflective of the revised budget included in the Senior Services Area Plan. Each applicant organization is given an opportunity to appeal the decision. Such request should be in writing to Steve Zollos, Chief Executive Officer of Senior Services, within ten (10) working days of notification of the decision.

F. All contracting agencies must be equal opportunity employers and must serve the elderly without regard to race, sex, color, national or ethnic origin, or handicap.

G. Payment of funds requested from Senior Services will be made on a monthly reimbursement basis upon receipt of Senior Services' monthly financial and programmatic reports.

Budget Specifics

- Proposers must complete the Detailed Budget and may use additional sheets as necessary for supporting budget detail.
- Budget items should reflect only whole-dollar amounts.

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Column B	Title III-B Federal assistance is available to pay up to 85% of total program costs. At least 15% of total program costs must be born from non-federal sources.
	Title III-E Federal assistance is available to pay up to 75% of total program costs. At least 25% of total program costs must be born from non-federal sources.

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Column C-D-E	Non-Federal Match Funds Program Income (revenue generated through contributions from participants), and In-kind resources should equal 15% (Title III-B) or 25%(Title III-E) of the total project costs.

A. GENERAL INFORMATION:

1. Applicant Organization Name _____

Address _____

City/Zip _____

Phone _____

2. Proposed Service: _____

_____

_____

3. Type of Proposal: (Check one)

New _____

Continuation _____

4. Type of Agency: (Check one)

Private Incorporated _____

Public Incorporated _____

Profit-Making _____

City or County Government _____

Describe: _____

5. Project Period

From: _____

To: _____

6. Define the Geographic Area to be served:

City-Wide _____

County-Wide _____

Multi-Jurisdictional _____

Neighborhood _____

7. Project Director, Supervisor or Coordinator Name _____

Title _____

Phone _____

_____

8. Federal Funds requested From Senior Services: _____

9. Local Funds Provided:

(a) cash _____

(b) In-kind _____

10. (a).Program Income: _____

(b). Other Funds: _____

11. Total Project Cost: _____

(8 + 9a +9b + 10a +10b)

12. I am hereby authorized to submit this proposal on behalf of:

NAME OF AGENCY _____

SIGNATURE _____

NAME & TITLE OF OFFICIAL _____

DATE SUBMITTED _____

Senior Services of Southeastern Virginia
FY19 OAA
APPLICATION FOR DELIVERY OF SERVICES TO THE ELDERLY

B. SERVICES TO BE PROVIDED

Where applicable, please provide your answers on separate paper.

13. a.) Briefly describe the geographic area to be served. Include unique community characteristics, which would help or hinder the delivery of the proposed service.

    b.) Describe the elderly population of the area. Number of persons:

    _____ 60 Years of age & Over
    _____ 75 Years of age & Over
    _____ Elderly persons living alone
    _____ Elderly who are below poverty level
    _____ Minority elderly (60+)

    Source of data: _____

14. Service Activity (Specify)
    a.) Describe the need for the service:
    b.) Plan of Action (Include objectives and methods to deliver services):
    c.) Service Objectives (see "Title III Service Standards" to define "units")
        1.) What are the pertinent "units of service"? ("Unit of Service(s) as defined by VDA" e.g. "hours"; "persons"; "contacts"; "miles"_____ _____
        2.) How many "units of service" will be provided? (give estimate) "Total Number of Units to be provided with requested Title III OAA funds": e.g. "1,000 hours"; "75 persons"; etc. _____ _____

15. Describe the experience of your agency in providing the service, what other services your agency provides to senior citizens and how the proposed service fits into the total program. Include information on any certifications required under the service definition (see attachments - "Title III Service Standards").

16. Indicate all the agencies with whom this service will be coordinated and identify the type of support.

17. TOTAL number of unduplicated persons to be served: _____ Total
Of this total, what percentage will be:

RACE	PERCENTAGE
White or Caucasian Only	
Black / African American Only	
American Indian or Alaskan Native Only	
Asian Only	
Native Hawaiian or Pacific Islander Only	
Hispanic or Latino Origin	

Senior Serviceso Southeasern Virginia
Application for Title III Older Americans Act Services

18. DETAILED BUDGET	**85% or Less**	**15% or More**				
A. BUDGET CATEGORY	**B. Funds from Senior Services**	**C. Non-Federal Match Funds**	**D. Other Federal**	**E. In-kind Income**	**F. Program Income**	**G. TOTAL**
Personnel (Indicate % of time devoted to project)						
Fringe Benefit (Itemize)						
Travel (Itemize)						
Equipment (Itemize for value of $500 or more)						
Other (Itemize)						
TOTAL						

LEGAL ASSISTANCE
VIRGINIA DEPARTMENT FOR THE AGING

SERVICE STANDARD[1]

(Effective 1/1/09)

I. SERVICE PROVIDED

Legal Assistance funded by Title III-B of the Older Americans Act (OAA)

II. DEFINITIONS

"**Legal Assistance**" as defined in the Older Americans Act --

(A) means legal advice and representation provided by an attorney to older individuals (60 years of age and older) *with economic or social needs; and*

(B) includes--

(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

(ii) counseling or representation by a nonlawyer where permitted by law.

Public Law 109-365, §102(33) enacted 10/17/06[2]

In Virginia, "Legal Assistance" also may include –

Outreach to those in greatest social or economic need targeted under the Older Americans Act, education, group presentations and training designed to protect the legal rights of older adults using materials developed under the direct supervision of an attorney.

Terms used in the OAA definition of Legal Assistance have the following meanings:

- "Attorney" means: A lawyer licensed and authorized by the Virginia State Bar to practice law in the Commonwealth of Virginia.
- "Nonlawyer" means: A person who is not a licensed attorney, but who is specifically permitted by federal or state law to provide limited counseling or representation (for example representation in Social Security administrative hearings and certain other public benefit hearings).
- "Economic Need": The OAA does not define this term, but it does define

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1 If you have questions about anything contained in this Standard, please contact the Legal Services Developer at the Virginia Department for the Aging

2 All sections of the Older Americans Act as Amended in 2006 {Public Law (P.L.) 109-365} referenced in this Standard can be found on both the Administration on Aging and The Center for Social Gerontology web sites: http://www.aoa.dhhs.gov/OAA2006/Main_Site/oaa/oaa_full.asp and http://www.tcsg.org/law/2006OAACompleteComp.pdf

"Greatest Economic Need" as *" … the need resulting from an income level at or below the poverty line."* (P.L. 109-365, §102(23),(43))

* "Social Need": The OAA does not define "social need," but it does define "Greatest Social Need" as *"… the need caused by non-economic factors, which include –*
  (A) physical and mental disabilities;
  (B) language barriers; and
  (C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that –
    (i) restricts the ability of an individual to perform normal daily tasks; or
    (ii) threatens the capacity of the individual to live independently.
  P.L. 109-365, §102(24)

"Unduplicated Client": The US Administration on Aging requires states to report the numbers of "unduplicated" persons served with OAA funds. For legal assistance, this means the number of different individuals who received legal assistance from the legal provider during a federal fiscal year. For the "unduplicated count," a client is counted only once for the year regardless of how many times the client returned that year for assistance on either the same or different legal issues. Thus the number of "cases" handled by a legal provider is often greater than the number of "unduplicated clients."

III. Eligible Population

As defined in the OAA, Legal Assistance is for *persons aged 60+ "in social or economic need."* The Act further specifies that services be particularly targeted to older individuals: with greatest economic need; with greatest social need; at risk for institutional placement; with limited English proficiency; low-income minority older individuals; and, those residing in rural areas. (See for example, P.L. 109-365, §306(a)(4)). In Virginia, residents of long-term care facilities are also a very important group to be targeted for legal assistance.

However, while the Act requires that these groups be particularly targeted for service, mechanisms to achieve targeting may not include the use of a means test. Allowable and effective mechanisms to achieve targeting without means testing include strategic outreach to specific target groups of older persons and/or persons who work with them, and focusing on particular types of legal issues that reflect the most critical and basic needs of the target populations, for example public benefits, housing, and long term care.

IV. Service Delivery Elements

A. Types of Legal Assistance Providers

Legal assistance must be provided by an attorney or by a paralegal/law student

under the direct supervision of a licensed attorney. The Act calls for Area Agencies on Aging (AAAs) to select as their legal assistance provider the entity that is best able to provide the targeted legal services described in the Act. Examples of things to consider in selecting the "best entity," include such things as the capacity of the provider to:

- Protect the autonomy, dignity and independence of vulnerable older persons;
- Focus outreach and service on those in the greatest social and economic need – often those least able to advocate on their own behalf;
- Foster cost-effective, high quality legal services, having maximum impact on those in greatest social and economic need and their most critical legal needs;
- Assist vulnerable older persons in preventing legal problems through education and outreach; and
- Be accessible throughout the Planning and Service Area (PSA), particularly to the target populations specified in the OAA.

See the OAA, P.L. 109-365, §307(a)(11) for required contract provisions or contact the State Legal Services Developer at VDA for technical assistance (see Footnote 1).

AAAs can accomplish this through one, or a combination, of the following methods:

1. CONTRACT WITH A LEGAL AID FUNDED BY LEGAL SERVICES CORPORATION (LSC).
   This means that the AAA contracts with an existing licensed local legal aid program that is funded by the LSC and operates in accordance with Federal law.

2. CONTRACT WITH A LEGAL AID NOT FUNDED BY LSC.
   This means that the AAA contracts with an existing licensed local aid program that is not funded by the LSC. In this case, the OAA requires the Legal Aid not funded by LSC to coordinate services with any existing LSC-funded program in the area (usually a different local legal aid program) in order to maximize the use of limited OAA Title III-B funds.

3. STAFF ATTORNEY HOUSED IN AAA:
   This means an attorney employed by the AAA who provides legal assistance directly to older clients in social or economic need. In this case, the OAA requires coordination of services with an existing LSC-funded program (usually a local legal aid program) in order to maximize the use of limited OAA Title III-B funds. It is important that, under this model, the attorney not serve as in-house counsel to the AAA. Further, under the OAA, the AAA would need a waiver from VDA in order for the AAA staff attorney to provide direct service to clients.

4. CONTRACT WITH A PRIVATE ATTORNEY.
   This means that the AAA contracts with a private attorney to provide legal assistance to older clients in social or economic need. In this case, the

OAA requires coordination of services with an existing LSC-funded program (usually a local legal aid program) in order to maximize the use of limited OAA Title III funds.

5. CONTRACT WITH A LAW SCHOOL CLINICAL PROGRAM.
   If an AAA is considering a law school, please contact the Legal Services Developer at VDA (see Footnote 1)

In all cases where practical, an attempt should be made to involve the private bar in legal assistance activities, including groups within the private bar willing to furnish legal assistance to older adults on a pro bono or reduced fee basis.

B. PRIORITY SERVICES:

The Older Americans Act uses the term "priority services" in two ways.

First, it designates legal assistance services as one of three priority services (access, in-home, and legal) that in the absence of a waiver from VDA, must be funded by every AAA. At a minimum, each AAA must fund each of the priority services at a base level established by VDA. The current base level for Virginia is 1% of Title III-B allocated funds. However, AAAs are permitted and encouraged to increase the base level as appropriate.

(P.L. 109—365 §306(a)(2), §307(a)(2)(C))

Second, the Act addresses the types of legal issues that are to receive priority in delivering services. It requires that in funding legal assistance services, area agencies *"... give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination."*

(P.L. 109—365 §307(a)(11) (E))

C. OUTREACH TO TARGET GROUPS, EDUCATION, TRAINING & PRESENTATIONS:

Recognizing that OAA III-B resources are inadequate to meet the legal needs of all older persons, legal assistance services must be particularly targeted to older persons in greatest economic and social need. The OAA specifies a number of target groups, with emphasis on low-income older persons, low-income minority older persons, older persons with limited English proficiency, and those residing in rural areas. Often, the target populations don't recognize their problems as being legal in nature and don't know where or how to access affordable legal services. Further, they are often the least able to advocate on their own behalf, while they are the most difficult to reach and serve. Targeted outreach and strategic education/presentations on critical legal issues affecting the most vulnerable older persons are essential to effective targeting. This type of outreach and education is best achieved through joint planning by the AAA and legal provider and coordinating efforts to conduct outreach and education. Qualified individuals will conduct outreach, education and training, and legal training materials will be developed under the direct supervision of an attorney.

D. Prohibited Services:

Legal Assistance will not be provided for:

- Any criminal matter;
- Any civil action involving post criminal conviction relief;
- Any action concerning euthanasia or abortion;
- Any strike, boycott, picketing or demonstration; or
- Any illegal activity.

See 42 United States Code §2996e; 42 United States Code §2996f and 42 United States Code (USC) §14404.

Further, the OAA Regulations (Title 45 Code of Federal Regulations (CFR), §1321.71(g)-(k)) include prohibitions specific to III-B legal assistance providers and the use of III-B legal assistance funds. These include:

- Providing legal assistance in fee-generating cases, with certain exceptions (45 CFR §1321.71(g));
- Engaging in specified prohibited political activities (45 CFR §1321.71(h));
- Engaging in lobbying activities as described in the Regulation (45 CFR §1321.71(i));
- Participating in any public demonstrations, boycotts, etc. as described in the Regulation (45 CFR §1321.71(j));
- Paying dues exceeding $100 to any organization (other than a bar association) that engages in the above prohibited activities (45 CFR §1321.71(k)).

V. Assessment:

The Virginia Service Quick Form (July 2008)[3] is used for legal assistance services. Federal poverty should be determined and documented on this form.

A. Administrative/Reporting Elements

1. Units of Service Defined:
   As used *here, "unit of service" is for reporting purposes only, not for billing purposes*. Under the Administration on Aging NAPIS reporting system, a unit of service for legal assistance is one hour. What this means is that each hour of providing legal assistance (including such things as case preparation, legal research, drafting documents, preparing materials for outreach/community education, conducting the outreach/education, etc.) is equal to the corresponding number of "units."

2. Program Reports:

[3] The Virginia Service Quick Form was revised in July 2008 to make clear that name, address and telephone numbers are not permitted for Legal Assistance and Elder Abuse Services. In order to protect client confidentiality and the attorney-client relationship, a unique number (or numbers and letters) should be used to track services and outcomes.

Information to be reported is captured at three different points: (a) at client intake; (b) at case closing; and (c) when special outreach/community legal education activities are conducted.

(a) At Client Intake: At the time of client intake, a client- specific assessment should be performed to capture information relevant to targeting and needed for reporting. This includes:
- Client demographics/characteristics such as age, gender, ethnicity, race; and
- The type of legal issue on which the client is seeking assistance.

(b) At Case Closing: Information to be captured at the time of case closing includes:
- The type of legal issue on which service was provided to the client;
- The outcome of the service for the client; and
- The total number of hours ("units") spent by the provider on the client's case.

(c) When Special Outreach/Community Legal Education Activities are Conducted: Information to be captured will include:
- Dates and locations of outreach and educational activities;
- Type of outreach conducted or topic of educational presentation;
- Specific groups targeted by the outreach or types of persons attending the educational activity;
- Estimated number of people reached through the outreach or educational activity;
- Estimated number of hours spent in preparation, travel, and conduct of the outreach or educational activity.

3. INFORMATION REPORTED TO VDA & DUE DATES

The information that must be reported by AAAs to the Virginia Department for the Aging (VDA) includes:
- Number of "Unduplicated" Clients/Persons Served. *See the definition of "unduplicated" under roman numeral II above.*
- Number of Hours/"Units of Service" provided. *See definition of "unit of service" under V.A.1. above.*

Due Dates: Aging Monthly Report (AMR) must be submitted monthly to VDA by the 12th day of the following month. Client level data must be transmitted to VDA by the last day of the following month.

Optional Group Units cannot be entered into AIM/NWD tools but may be reported on the AMR Optional Unit Report. These include:
- Group Participants – Number of people attending a presentation, meeting or program provided to more than one person.
- Group Presentations – Number of education/training group presentations on legal assistance topics.

B. Quality Assurance & Capacity

1. Legal Assistance Provider/Staff Qualifications:
   AAAs are to select as their legal providers, the entity that best meets certain capacity criteria that are important to quality assurance. Examples of important elements of quality assurance include:
   - All attorneys are licensed to practice law in the Commonwealth of Virginia and adhere to the Virginia Rules of Professional Conduct and all professional regulatory requirements to practice law in the Commonwealth;
   - Program staff (including attorneys and paralegals) have experience in serving older adults, and knowledge and understanding of legal issues most critical to those in greatest social and economic need;
   - Programs have mechanisms in place to protect against conflict of interest and to assure client confidentiality.

2. Criminal Background Checks:
   VDA strongly recommends that the agency and its contractors protect their vulnerable older clients by conducting criminal background checks for staff providing any service where they visit or enter a client's home.

3. Staff Training:
   At a minimum, legal provider staff must meet continuing legal education requirements to practice law in the Commonwealth. In addition, they should have sufficient training to remain current on the most critical legal issues affecting older persons in greatest economic or social need.

4. Program Evaluation (Best Practice Recommendation):

   The agency should conduct regular and systematic analysis of the persons served and the impact of the service. Service providers should be monitored annually. Evaluation may include client satisfaction surveys.

5. Records:

   The AAA or service provider must maintain specific program documentation that includes:

   - A unique identifier for each client served (e.g. case number)
   - Virginia Service Quick Form or electronic data equivalent
   - Service provided and case outcome if applicable

Acknowledgment
VDA gratefully acknowledges the assistance of The Center for Social Gerontology, Administration on Aging, Virginia Poverty Law Center, Virginia Area Agencies on Aging and Legal Aid Programs of Virginia for legal research, formatting and other valuable contributions to this Legal Assistance Service Standard revision.

What is In-Kind

In~Kind is a donated specialized service or product that an agency would normally have to purchase.

In~Kind is donated money to be used for the purchase of services, supplies or other items normally paid through the Agency

In~Kind is specialized volunteered services which would generally be paid from grant funds

In~Kind is also known as non-Federal Share, Cost Match and Third Party Contributions.

There are no steadfast rules on what can or cannot be considered as In-Kind. However, there are factors that must be considered when evaluating a service:

- The services represent an integral part of the organization's program (such as physician services at a community clinic)
- The services are required to fulfill part of the organization's ongoing administrative requirements (such as preparation of the organization's Form 990).
- Volunteer services make up a significant part of the organization's total program activities (such as teachers who train other volunteers who will in turn teach others to read).
- Similar services are also purchased from third parties when volunteer services are not available (such as legal services).

If the answer to one of the factors is "Yes," then the situation can be considered as In-Kind. The most important item to remember is "if you are not sure, just ask!"

Senior Services of Southeastern Virginia

May 5, 2023

PUBLIC NOTICE

Senior Services of Southeastern Virginia hereby notifies municipalities, public, non- profit and profit-making organizations of their eligibility to submit proposals for the delivery of services to elderly persons in Virginia Planning and Service Area 20 under the Area Plan for Aging Services, which covers the period October 1, 2023, through September 30, 2024.

Proposals will be accepted for the provision of the following services: ADULT DAY CARE, CONGREGATE MEALS, HOME DELIVERED MEALS, LEGAL, MEAL PREPARATION, and RESPITE HOMEMAKER.

Application kits will be available online on Monday, May 8, 2023, on our website at ssseva.org.

The proposers' conference will be held at the Senior Services office at 2551 Eltham Avenue, Norfolk VA on Tuesday, June 6, 2023, from 9:00 a.m. to 11:00 a.m. The deadline for receipt of completed applications by Senior Services is close of business day, 4:30 p.m., Friday, June 16, 2023.

Successful candidates may have their initial award funded for up to an additional four fiscal years.

Receipt of a completed application(s) is no guarantee for funding of service(s).

2024 RFP Process Schedule

1. Public Notice / Solicitation ..... Friday, March 5
2. Proposer's Conference ..... Tuesday, June 6
3. Application Due (by 4:30pm) ..... Friday, June 16
4. Staff Review ..... Monday, June 19 to Friday, July 14
5. Finance Committee Approval ..... Wednesday, July 19
6. Notice of Award (to selected vendors) ..... Friday, August 18
7. Agreements Distributed for Signature ..... Monday, August 28
8. Services Begin ..... Monday, October 2
9. Potential for Extension ..... Annually for four additional years