

## Chapter 7 LEAD AGENCY ROLES AND RESPONSIBILITIES

**Definition:** The lead agency for the Southwest/Piedmont HIV CARE Consortium is the grantee with the Virginia Department of Health for regional planning and administration for Part B of the Ryan White CARE Act of 1990.

Roles and Responsibilities:

- A. **General:** It is the responsibility of the lead agency to respond to Requests For Proposals (RFP) issued by VDH under the Ryan White Care Act of 1990. Any agency may apply for funds in this competitive process, and thereby become a lead agency and create a new consortium providing Part B services. Once established, the lead agency becomes responsible for:
1. Establishing subcontracts with local service providers under a competitive RFP process.
  2. Collecting data for monthly invoices and quarterly reports that ensure the legal and ethical operations of subcontractors.
  3. Updating the Consortium Workplan annually if/when the contract with VDH is renewed.
  4. Renewing subcontracts either by competitive RFP or mutual agreement with subcontractors.
  5. The lead agency is responsible for all consortium correspondence, mailing lists, media contacts and public comments made by Consortium.
  6. The lead agency ensures the Consortium is operating under the Standard Operating Procedures (SOPs) and alerts the Consortium of membership needs. Membership of the consortium (not subcontractors) should be reflective of the populations and localities served.
- B. **RWT2 Subcontract Request For Proposal (RFP) Process:**
1. **Notice of Funds:** When funds from VDH become available, the lead agency shall announce funding opportunities in a reasonable manner, including, but not limited to:
    - a. Publicize a Legal Notice in newspapers of general circulation as funds become available. The legal notice shall include the name of the offerer, who is eligible to apply, what services are to be covered, the minimum region of service, the estimated amount available, the deadline and contact information for the lead agency.
    - b. Submit by mail applications to any and all potential subcontractors.
    - c. Submit by email applications to any and all potential subcontractors.
    - d. Any other such means of notice as deemed reasonable.
  2. **Requests For Proposals (RFP):** Subcontract RFPs shall include:
    - a. A brief description of the project for which funds may be available.
    - b. The estimated total amount of funds available.
    - c. A statement setting forth who is eligible to apply.
    - d. Deadline for applications. Late submissions will not be considered for first round funding.
    - e. The review factors to be used in selecting recipients.
    - f. The source of the funds and estimated time of fund availability.
    - g. Address, phone and email of the contact person where detailed information may be obtained and where applications may be filed.
    - h. The time and place of any pre-application information sessions, if such is planned.
    - i. Standard language for terms and conditions of contracts.
    - j. The application review process.
  3. **RFP Deadlines:** The lead agency shall set the following deadlines:
    - a. **Date of Issuance:** No applications shall be released in any form until the release date as advertised in the Legal Notices.
    - b. **Date and Time of Proposals:** The due date for proposals shall be a weekday (Monday-Friday) no less than thirty (30) days from the date of issuance. Late submissions will not be considered for first round funding.
    - c. **RFP Review Committee meeting Date:** The meeting date for the committee shall be no later than two (2) weeks from the Proposal due date or no later than two (2) weeks from the final notification of awarded funds from VDH during Consortia grant years.
    - d. **Notification of Funding:** The lead agency shall mail notification of awards within one (1) week of the RFP Review Committee's decision.
    - e. **Submission of Annual or Revised Workplan:** The lead agency shall submit the annual or revised annual plan by March 1<sup>st</sup> or another deadline set by VDH due to contract negotiations or other reason.

4. **Independent RFP Review Committee:** Requests for Proposals will be reviewed under the following process:
    - a. **Appointment:** The lead agency appoints the review committee, which is approved by VDH. No members of the committee shall have a conflict of interest with any applicant in accordance with Virginia Conflicts of Interest Act, Section 2.1 – 639-1 et seq., Code of Virginia as amended.
    - b. **Composition:** The committee shall be made up of individuals including the lead agency representative who will act as chairperson, an HIV positive client and a representative from VDH.
    - c. **Scoring:** The committee will receive copies of the proposal in advance and will score them according to the scale listed in the RFP.
    - d. **Proposal Review:** Once all proposals have been independently scored, the lead agency will convene the Committee to review all proposals and develop an average score for each proposal. Based on the scoring the committee shall do the following:
  5. **Subcontractors:** Make the final selection of subcontractors to be funded.
  6. **Proposal and Workplan:** Approve (in whole or in part), disapprove, or defer action on each proposal. In the event the decision is deferred, the Review Committee must develop an action plan outlining what steps are now to be taken. The Committee may make specific recommendations for change in each proposal or request additional information in the case of incomplete proposals.
  7. **Budget Award:** The Review Committee will decide the overall amount of funding awarded to the applicant and will recommend line items amounts to be funded under the proposal.
  8. **Recommendations for Additional Funds:** The Review Committee shall make binding recommendations as to the allocation priority of any additional funding in the coming year.
  9. **Notification:** The lead agency shall notify all applicants of the Committee’s decision in writing within 1 week of the Committee meeting, unless an additional meeting is required for first round funding.
  10. **Carve-outs:** Subcontracts are awarded to agencies/organizations that cover a region that is of at least one Virginia Health District in size. In the event that there is no applicant from a Health District by RFP deadline, the RFP Review Committee will decide on an amount to be carved-out and reissued for competitive bid.
    - a. **Amounts:** Carve-out amounts for health district regions not funded under a regional RFP may not exceed the amount funded under the previous year.
    - b. **Availability of Funds:** Carve-outs for health district regions will be decreased in proportion to total funds if regional funds are decreased.
    - c. **Recruitment of Subcontractors:** The lead agency will attempt to recruit providers in the event no providers apply in a particular health district region through a second RFP.
    - d. **Competition:** In the event that there is only one applicant for a carve-out RFP, the Review Committee will have to score the grant and then meet for consensus.
    - e. **Reallocation of Funds:** In the event that a subcontractor cannot be recruited, the funds will be released for competitive bid to existing subcontractors.
    - f. **Penalty for Late Submission:** Subcontractors who do not submit an application for continuing funding under an RFP by deadline will not receive administrative funding for the fiscal year.
    - g. **Part-Year Funding:** If a subcontractor applies for a portion of a fiscal year, the lead agency will carve-out proportional funding for the remaining year. These funds will be allocated through a competitive, second round RFP.
  11. **Consortia participation:** The RFP Committee may ask the general membership for input at any time.
  12. **Decisions of Awards:** The decisions of the RFP Committee are final and may not be appealed.
  13. **Contract Negation:** After proposals and funding allocations have been approved, the lead agency shall:
    - a. Contact each approved subcontractor to negotiate the workplan (goals and objectives), budget allocation, evaluation plan, and any other issues raised by the RFP Review Committee.
    - b. Negotiations are not final until notification of funds is received by the lead agency from VDH and the subcontractor and the lead Agency have signed the subcontract.
- C. **Orientation and Technical Support:** The lead agency will provide the following:
1. A site visit to provide orientation to all new subcontractors.
  2. On-going technical support to subcontractors.
  3. Training, that may be deemed mandatory by the Consensus of the Consortium, for subcontractors.

4. Prepare subcontractors for reviews, evaluations and audits, if necessary.

D. **RWT2 Subcontract Monitoring:** The lead agency shall be responsible for monitoring the programmatic and fiscal performance and ensuring, under contract with VDH, that the performance is in compliance with the terms of the award:

1. **Terms and Conditions:** All terms and conditions will be included in both the RFP document and the subcontract document between the lead Agency and the subcontractor. These terms and conditions may be modified, with notice, in accordance with any recommendations or directives from the Southwest/Piedmont HIV Care Consortium, the Virginia Department of Health and/or the United States Health Resources and Services Administration (HRSA).
2. **Documentation:** Subcontractors will supply the lead agency documentation that supports monthly billing invoices to ensure that the subcontractor is operating ethically and legally.
3. **Statewide Data Collection:** Ensure subcontractors submit required data monthly to Virginia Commonwealth University (VCU) Survey Research and Evaluation Lab (SREL).
4. **Reallocation of Funds:** At any time prior to January 31, of each fiscal year, a subcontractor can request a reallocation of funded line item amounts in the following process:
  - a. Funds must be moved to an already funded budget line item. Unless specified by VDH, no new budget categories can be funded.
  - b. The subcontractor submits the revised budget along with an explanation for the request. The explanation must clearly state that there are no additional funds requested.
  - c. The lead agency will compile the request with any others received, revise the Consortia workplan and submit the package to VDH.
  - d. Upon review and approval of VDH, the lead agency will notify the subcontractor in writing. Under normal circumstances a subcontract modification will not be needed, as the overall amount awarded will not change.
5. **Additional Funding:** From time to time VDH announces the availability of additional funding.
  - a. **Notification:** The lead agency will notify current subcontractors in writing of the amount available (if disclosed by VDH) and the deadline for submission of the request to VDH. In the event that the amount is not disclosed by VDH at the time of the request, the lead agency will make every effort to assist subcontractors in applying for funds.
  - b. **Budget Revision Request:** The subcontractor shall submit a revised budget and workplan by the specified due date. Late submissions will not be accepted and there will be no carve-out for second round funding. The request will include a line item justification for any additional funds. The current budget remains in effect until a signed contract modification is received from VDH and a signed subcontract modification is received by the subcontractor.
  - c. **Restrictions:** Unless otherwise specified, a subcontractor may not request funds for a service not currently funded. The subcontractor must also abide by any restrictions placed on the funds by VDH.
  - d. **Submission of the Revised Consortia Workplan and Budget:** Upon receipt of requests from the subcontractors, the lead agency shall compile the requests and prepare a revised budget and workplan to be submitted by deadline to VDH.
  - e. **Award:** Upon notification in writing of the award of additional funds, the lead agency shall review all requests and take one of the following actions:
    - **Funds available exceed requests:** The lead agency shall fund all requests and place the additional funds for a competitive bid utilizing the RFP Review Committee or, with Consortium consensus, divide the remaining fund between any interested subcontractors.
    - **Funds available are short of Requests:** The Lead agency shall utilize the RFP Review Committee to award the funds. Allocation must take into account any recommendations for additional funds made by the RFP Review Committee at the beginning of the fiscal year.
  - f. **Subcontract Modification:** Upon the award of funds, the lead agency shall issue a subcontract modification to all subcontractors receiving additional funds. The previous budget remains in effect until the subcontractor received the subcontract modification by all parties.
  - g. **Subcontract Extension:** During non-grant years, the lead agency or Consortium may elect to extend contracts for one additional year.

- Allocated budgets from the previous year will continue at the same levels determined by the RFP Committee.
  - Each subcontractor must submit a revised workplan and budget making changes as necessary.
  - In the event that SPHCC receives additional funding, this amount will be put forth for competitive bidding.
6. **Utilization Review:** The lead agency shall review the utilization of funds by subcontractors at the end of the second and third quarters. Subcontractors who have under spent their budgets at these benchmarks will be asked to review their needs and be encouraged to allow the lead Agency to reallocate under spent funds to other subcontractors.
- E. **Administrative Duties of the Consortium:** The following administrative duties are assigned to the lead Agency:
1. Securing meeting locations for Consortium meetings.
  2. Produce all official correspondence (press releases, meeting announcements, email lists, etc.) and minutes for the consortium.
  3. Preparation of materials for all meetings.
  4. Write and report on Ryan White Part B Grant activities.
  5. Submit all invoices to VDH for payment in a timely manner.
  6. Issue checks to subcontractors within seven (7) days of receipt of funds from VDH.
  7. Provide on-going technical support for subcontractors.
  8. Monitor financial and programmatic objectives of subcontractors.
  9. Conduct financial reviews of subcontractors as instructed by VDH.
- F. **Planning and Evaluation:** The lead agency shall conduct and/or support the following activities:
1. **Goals and Objectives:** Provide technical assistance to subcontractors in developing measurable Goals and Objectives for their workplan.
  2. **Evaluation Plan:** Provide technical assistance in developing an evaluation plan for subcontractors.
  3. **Impact Evaluations:** Provide technical assistance in completing evaluation plans and offering feedback for improvement.
  4. **Needs Assessment:** Conduct and coordinate a Regional Client Needs Assessment with the subcontractors in odd numbered years.
  5. **Client Satisfaction:** Provide technical assistance in conducting Client Satisfaction Assessments or, at the direction of the Consortium, conduct and coordinate Client Satisfaction Assessments with subcontractors in even numbered years.
- G. **Conflict Resolution:** In the event of a dispute between Consortium members the lead agency shall:
1. Direct parties to meet outside of Consortium meetings with the lead agency as a third party
  2. Conduct a meeting where all parties involved may voice their differences in a non-threatening manner.
  3. Use appropriate conflict resolution strategies to come to a reasonable conclusion.
  4. If all parties concerned cannot come to a consensus on what should be done to resolve the dispute, the lead agency will issue a decision in writing focusing on "Agreeing to Disagree."
  5. At the discretion of the lead agency, a third party not affiliated with the Consortium may be chosen to provide conflict resolution. In such case, the lead agency is under no financial obligation to that outside party should any costs be incurred.
- H. **Lead Agency Grievance Procedure:** These grievance procedures apply to the following adverse determinations by the lead agency:
1. Suspension or termination of a subcontract in part or in whole
  2. Refusal to reinstate a suspended subcontract
  3. Disallowance of expenditures on a monthly invoice
  4. Denial of a non-competing continuation of a subcontract if the denial is for failure to comply with the terms of the subcontract.
- I. **Disciplinary and Grievance Process:**
1. **Notice of Adverse Determinations:** The lead agency shall notify the subcontractor of any adverse determination in writing stating the reasons for the determination in sufficient detail to enable the subcontractor to respond.

2. **Determination Review:** The subcontractor may request a review of the adverse determination by submitting a request in writing to the Chair of the Consortium no later than thirty (30) days after the receipt of the determination
  3. **Hearing:** The Chair of the Consortium shall convene an informal hearing or, in the case of a conflict of interest, appoint a hearing officer to conduct a hearing.
  4. The Chair of the Consortium or the hearing officer will make a final written decision based upon the subcontract file, other documents filed by the parties, and the testimony and evidence presented at the hearing. The written decision shall include:
    - a. A description of the dispute
    - b. References to the pertinent subcontract terms, regulations or statutes.
    - c. A statement of the factual areas of agreement and disagreement.
    - d. A determination sustaining or overruling the determination of the lead agency, in whole or in part, with the reason for the determination.
- J. **Client Confidentiality and Disposition of records:** In regards to confidentiality of records, the lead agency shall:
1. Conduct all business regarding individual consumers using code numbers established by the Virginia Department of Health.
  2. Maintain a secure office site with limited access which shall be locked when not in use.
  3. Require signed confidentiality agreements with all agency staff, volunteers, interns, auditors, contractors or any other individual who may come in contact with consumers, invoices, medication exception requests, and/or any other paper work or situations that may involve consumers be it in person, on paper or electronic.
  4. Maintain a secure fax machine for the purpose of transmitting invoices, medication exception requests, or other communication that may include information regarding consumers health information.
  5. Maintain as password protected network computer with limited access, which shall be locked or shut down when not in use.
  6. Maintain as secure network server, with firewall, behind a locked door with limited access for file back up.
  7. Store all paperwork in a local storage unit behind a locked door with limited access.