

**STANDARD AGREEMENT - AMENDMENT**

STD 213A (Rev. 4/2020)

 CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED 8 PAGES

AGREEMENT NUMBER AP-2122-20	AMENDMENT NUMBER 2	Purchasing Authority Number
--------------------------------	-----------------------	-----------------------------

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

California Department of Aging

CONTRACTOR NAME

County of San Bernardino Aging &amp; Adult Svcs

2. The term of this Agreement is:

START DATE

07/01/2021

THROUGH END DATE

06/30/2022

3. The maximum amount of this Agreement after this Amendment is:

\$ 10,406,956 Ten million four hundred six thousand nine hundred fifty-six and 00/100 dollars

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

- A. This amendment increases the total amount of the Agreement by \$820,641. The new total of the Agreement shall not exceed \$10,406,956.
- B. The attached Budget Display Exhibit B, Attachment 2 – Budget Display (1 page), identified as Amendment 2, is hereby added to the Agreement. The Budget, Amendment 2, is hereby incorporated by reference and replaces the original referenced Budget.
- C. The attached Budget Display Exhibit B, Attachment 3 – Budget Display (1 page), identified as Amendment 2, is hereby added to the Agreement. The Budget, Amendment 2, is hereby incorporated by reference and replaces the original referenced Budget.
- D. Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic Pets Funding (6 pages) is hereby added to the Agreement.

*All other terms and conditions shall remain the same.**IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.***CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

County of San Bernardino Aging &amp; Adult Svcs

CONTRACTOR BUSINESS ADDRESS

784 E. Hospitality Lane

CITY

San Bernardino

STATE

CA

ZIP

92415-0009

PRINTED NAME OF PERSON SIGNING

Sharon Nevins

TITLE

Director

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

California Department of Aging

CONTRACTING AGENCY ADDRESS

2880 Gateway Oaks Drive, Suite 200

CITY

Sacramento

STATE

CA

ZIP

95833

PRINTED NAME OF PERSON SIGNING

Nate Gillen

TITLE

Chief, Business Management Bureau

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

AG OP 80-111

State of California				Award #:	AP-2122-20
California Department of Aging				Date:	7/1/2021
Exhibit B, Attachment 2 - Budget Display				Amendment #:	2
					Page 1 of 1
<b>AREA PLAN BUDGET DISPLAY:</b>					
County of San Bernardino Aging & Adult Svcs					
Consolidated Appropriations Act (CAA), H.R. 133					
December 27, 2020 through September 30, 2022					
Social Security Act Elder Justice Title XX					
April 1, 2020 through September 30, 2022					
Program	Fund Type	Project Number	Baseline		TOTAL
CAA- Home Delivered Nutrition Program	Federal Title IIIC2	CAAP	798,132 (a)	(b)	798,132
LTC Ombudsman- Elder Justice	Federal Title XX	LOLP	19,086	(b)	19,086
TOTAL			817,218		817,218
CFDA NUMBER	Year	Award #	Award Name		
93.045	2021	2101CAHDC5-00	(HDC5) Consolidated Appropriations Act, 2021 suppl. Funding, nutrition OAA Title III C-2		
93.747	2021	2101CALOC5-00	(LOC5) CRRSA Act, 2021 funding for LTC Ombudsman, SSA Title XX Section 2043(a)(1)(A)		

(a) AAAs can utilize up to 10% of the funding for Administration. "Administration" expenditures have a 25% match requirement.

(b) Federal Funds must be reported in closeout by 10/31/2022.

State of California				Award #:	AP-2122-20
California Department of Aging				Date:	7/1/2021
Exhibit B, Attachment 3 - Budget Display				Amendment #:	2
<b>AREA PLAN BUDGET DISPLAY:</b>					Page 1 of 1
<b>Coronavirus Aid, Relief, and Economic Securities (CARES) Act Funding- Robotic Companion Pet Project- Ombudsman</b>					
<b>April 1, 2020 through September 30, 2022</b>					
<b>County of San Bernardino Aging &amp; Adult Svcs</b>					
Program	Fund Type	Project Number	Baseline	TOTAL	
Robotic Companion Pet					
Project- Ombudsman	Federal Title VII- Ombudsman	OMSP	3,423 (a)		3,423
<b>TOTAL</b>			3,423		3,423
<b>CFDA NUMBER</b>	<b>Year</b>	<b>Award #</b>	<b>Award Name</b>		
93.042	2021	2001CAOMC3-01	(OMC3) CARES Act for Ombudsman Program under Title VII of the Older Americans Act		

<sup>(a)</sup> Federal Funds must be reported in closeout by 10/31/2022.

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic  
Pets Funding**

ARTICLE I. PURPOSE/OVERVIEW OF EXHIBIT

- A. In addition to the terms of this Exhibit F, Contractors that have accepted Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic Pets Funding must comply with Exhibits A, B, C, D, and E.

ARTICLE II. PROGRAM DEFINITIONS

- A. Definitions Specific to the Robotic Companion Pets Project
  - i. **Robotic Companion Pet** – Lifelike, animatronic pets that are uniquely designed to provide meaningful experiences for older individuals and their families.
  - ii. **Robotic Companion Pets Project** - a person-centered approach to increasing engagement and enhancing meaningful interactions during and post COVID-19 pandemic.

ARTICLE III. SCOPE OF WORK

- A. The Contractor shall:
  - i. Implement the statutory provisions of the Title III and Title XX Programs [OAA § 306] in accordance with State and federal laws and regulations. The Contractor shall make every effort to utilize the funding in a manner consistent with Administration for Community Living (ACL) guidance. ACL states that the Consolidated Appropriations Act funding is intended for “ACL Senior Nutrition Programs to assist in responding to the COVID pandemic” and that the Title XX Elder Justice funding is intended “to enhance and improve Ombudsman program services in response to the COVID-19 pandemic”.
  - ii. The Contractor shall ensure that the local Long-Term Care Ombudsman Program (LTCOP), consistent with federal and state statute applicable to Title XX Elder Justice, and policies and procedures established by the Office of the State Long-Term Care Ombudsman (OSLTCO), will:
    - a. Enhance Ombudsman program complaint investigations during the COVID-19 public health emergency to address complaints related to abuse, neglect and poor care;
    - b. Resume in-person visitation at such time as visitation is permitted, such as when the COVID-19 vaccine is accessible to residents, facility staff, and individuals working for the LTCOP;

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic  
Pets Funding**

- c. Conduct education and outreach on abuse and neglect identification and prevention during the COVID-19 public health emergency to residents, their families and facility staff;
  - d. Enable travel for representatives of the LTCO Office to ensure all residents have access to a LTCOP representative;
  - e. Continue purchase of needed Personal Protective Equipment;
  - f. Continue purchase of technology as needed;
  - g. Enable participation in state-level “strike teams” to address complaints related to care and neglect; and
  - h. Provide information and assistance on transitions from long-term care facilities to community-based, home care settings, consistent with section 712(a)(3) of the Older Americans Act.
- iii. The Contractor shall ensure that the LTCOP, consistent with federal and state statute applicable to the Ombudsman Robotic Companion Pets Project, and policies and procedures established by OSLTCO, shall:
- a. Assist in protecting the health, safety, welfare, and rights of the residents of LTC facilities by combating their loneliness and social isolation exacerbated by the COVID-19 pandemic.
  - b. Contract directly with a vendor or supplier to purchase robotic pets for LTC facility residents, at no cost to the resident. Contractor shall negotiate the cost, delivery, payment method with the vendor.
  - c. Confirm eligibility of recipients. Recipients must be a resident living within a licensed LTC facility and have not received a robotic pet purchased by the Robotic Companion Pets Project.

**ARTICLE IV. BUDGET AND BUDGET REVISION**

- A. Contractors will not be required to submit budgets for the Consolidated Appropriations Act, Elder Justice, or Ombudsman Robotic Companion Pets Project.
- B. Consolidated Appropriations Act funding allows for up to 10% Administration funding. All Administrative funding requires a 25% match.
- C. Elder Justice and Ombudsman Robotic Companion Pets Project do not allow for any Administration and there is no administrative match requirement.

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic  
Pets Funding**

ARTICLE V. SUBCONTRACTS

- A. Contractors must follow all stipulations listed in Exhibit D regarding establishing subcontracts.
- B. Contractors are expected to adhere to all applicable Administration for Community Living, Code of Federal Regulation, and State Contracting Manual guidance when establishing subcontracts and processing expenditures.

ARTICLE VI. PROGRAM SPECIFIC BUDGET AND BUDGET REVISION

A. Major Disaster Declaration Flexibility

The Contractor will not be required to transfer contract funds between line items under the following terms and conditions:

- i. The Consolidated Appropriations Act funds, which have been fully allocated in Title IIIC2, are available for full flexibility under California's Major Disaster Declaration (#DR-4482) of the Stafford Act (the Act). As such, the CAA Section 732 permits states to use any portion of the funds for disaster relief for older individuals. AAAs have discretion to spend any Title IIIC2 CAA funding on disaster relief and will not be required to submit waivers or transfers to do so.
- ii. Title XX Elder Justice and Ombudsman Robotic Companion Pet Project funding are not open to any flexibilities and must be expended on allowable services and activities.

B. Equipment

Equipment/Property with per unit cost over \$5,000 or any computing devices, regardless of cost requires justification from the Contractor and approval from CDA and must be included in the CAA and Elder Justice closeout.

ARTICLE VII. PAYMENTS

A. Title IIIC2 Consolidated Appropriations Act, Title XX Elder Justice, and  
Ombudsman Robotic Companion Pets Project

The Contractor shall prepare and submit a monthly expenditure report in an electronic format to CDA no later than the last business day of each month or as specified by CDA. The report shall include all costs and funding sources for the month prior.

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic  
Pets Funding**

The Contractor shall submit a monthly expenditure report and a request for funds to CDA no later than the last business day of each month unless otherwise specified by CDA

- B. A one-time payment of the Contractor’s entire Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic Companion Pets funding will be made upon execution of the amendment.
- C. CDA may require financial reports more frequently than indicated above or with more detail (or both), upon written notice to the Contractor, until such time as CDA determines that the financial management standards are met.

**ARTICLE VIII. CLOSEOUT**

- A. The CAA, Elder Justice, and Ombudsman Robotic Companion Pets Project closeouts will be recorded separately from the Area Plan closeout using the specified forms. All contractors are required to submit Closeout Reports as instructed by CDA.
- B. Closeout reporting documents must be addressed to the CDA Local Finance Bureau.

**ARTICLE IX. ASSURANCES SPECIFIC TO THIS AGREEMENT**

- A. The following closely related programs identified by CFDA number are to be considered as an “other cluster” for purposes of determining major programs or whether a program-specific audit may be elected. The Contractor shall identify the CFDA titles and numbers to the independent auditor conducting the organization’s single audit along with each of its subcontractors. The funding source (Federal Grantor) for the following programs is the U.S. Department of Health and Human Services, Administration for Community Living.

93.045	Consolidated Appropriations Act, 2021, Supplemental Funding Nutrition Older Americans Act Title III-C2.
93.747	Coronavirus Response and Relief Supplemental Appropriations Act, 2021 funding for Long Term Care Ombudsman, Social Security Act Title XX Section 2043 (a)(1)(A), and Title VII Elder Justice.

“Cluster of programs” means a grouping of closely-related programs that share common compliance requirements. The types of clusters of programs are research and development, student financial aid, and other clusters. “Other clusters” are defined by the consolidated CFR in the Compliance Supplement or as designated by a state for federal awards provided to its subcontractors that meet the definition of “cluster of programs.” When designating an “other

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic Pets Funding**

cluster,” a state shall identify the federal awards included in the cluster and advise the subcontractors of compliance requirements applicable to the cluster. A “cluster of programs” shall be considered as one program for determining major programs, as described in 45 CFR 75.525(a), whether a program-specific audit may be elected. [Federal Office of Management and Budget,

- B. Any Title III and Title XX service shall not implement a Cost Sharing program unless approved by CDA.

ARTICLE X. REPORTING PROVISIONS

- A. Consolidated Appropriations Act Title III C-2

- i. The Contractor shall (1) track the number of units of service provided and the number of people served and (2) submit this data to CDA as directed.
- ii. Data related to the Consolidated Appropriations Act Title III C-2 shall not be submitted to the CARS database.

- B. The Contractor shall report data for the Ombudsman Robotic Companion Pets Project, using the CDA 8000, and maintain records pertaining to recipient identification, number of pets purchased, number of residents who received a pet, and the number of facilities, including facility type, impacted. Records may include information about the impact the robotic pet has had on the individual and others at the LTC facilities.

- C. If photographs are taken by Ombudsman representatives, consent is required, written or otherwise documented, by the resident or the resident’s representative. Photographs and documentation of consent shall be provided to the OSLTCO no less than every six months until all funds are expended.

- D. Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic Pet funding will not be captured within the CARS database. The Contractor is required to submit monthly expenditure reports. To report expenditures, Contractors must use the “CAA Expenditure Report Form” (CDA 7030), “Elder Justice Expenditure Report Form” (CDA 7031), and the “Ombudsman Robotic Pet Expenditure Report Form” (CDA 8001).

- E. Reporting Provisions Specific to Title XX Elder Justice

- ≠ The Contractor must document all activities, cases, and complaints in accordance with the National Ombudsman Reporting System (NORS) data collection requirements and that this data is routinely entered into the states’ reporting software (ODIN):

**AP-2122 Amendment 2**

**Exhibit F – Consolidated Appropriations Act, Elder Justice, and Ombudsman Robotic  
Pets Funding**

<b>Quarter</b>	<b>Reporting Period</b>	<b>Due Date</b>
Quarter 1	October 1 - December 31	January 31
Quarter 2	January 1 - March 31	April 30
Quarter 3	April 1 - June 30	July 31
Quarter 4	July 1 - September 30	October 31

**ARTICLE XI. CLOSEOUT**

- A. Final expenditures must be reported to CDA in accordance with the budget display in Exhibit B. If the expenditures reported by the Contractor exceed the advanced amount, CDA will reimburse the difference to the Contractor up to the contract amount. If the expenditures reported by the Contractor are less than the advanced amount, CDA will invoice the Contractor for the unspent funds.

The payment on the invoice is due immediately upon receipt or no later than 30 days from the date on the invoice.