

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute an Environmental Child Care Sanitation Inspections Participation Agreement with the Missouri Department of Health and Senior Services for childcare sanitation inspections, with reimbursed costs to be paid to the County.

RESOLUTION NO. 20221, August 12, 2019

INTRODUCED BY Charlie Franklin, County Legislator

WHEREAS, the Environmental Health Division of the Health Services Department desires to participate in childcare sanitation inspections required by the Missouri Department of Health and Senior Services, to provide sanitary facilities for children in eastern Jackson County from October 1, 2019 through September 30, 2022; and,

WHEREAS, under the agreement, the County will be reimbursed sums in the range of \$25 - \$120 for each site inspection; and,

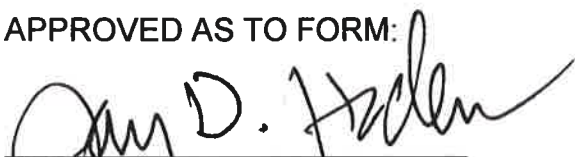
WHEREAS, the attached Environmental Child Care Sanitation Inspections Participation Agreement sets out the rights and obligations of each party participating in the program; and,

WHEREAS, execution of the attached agreement with the Missouri Department of Health and Senior Services is in the best interest of the health, safety, and welfare of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to execute the attached Environmental Child Care Sanitation Inspections Participation Agreement with the Missouri Department of Health and Senior Services.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 20221 of August 12, 2019, was duly passed on August 19, 2019 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

8/19/19
Date


Mary Jo Spino, Clerk of Legislature



**MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
 ENVIRONMENTAL CHILD CARE SANITATION INSPECTIONS
 PARTICIPATION AGREEMENT**

1. This participation agreement is entered into by the State of Missouri, Department of Health and Senior Services (Department/state agency) and the below named entity/individual (Contractor). This agreement shall consist of: (1) this participation agreement, (2) Attachment A – Certification, (3) Exhibit 1 - Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization and (4) the Terms and Conditions, attached hereto. By signing below the Contractor and Department agree to all the terms and conditions set forth in this agreement.
2. The purpose of this agreement is to conduct environmental child care inspections and enforce expeditious correction of defects in child care facilities.
3. This agreement shall be effective October 1, 2019 or the date of the Department’s authorized representative signature, whichever is later through September 30, 2022.
4. To the extent that this agreement involves the use, in whole or in part, of federal funds, the signature of the Contractor’s authorized representative on the agreement signature page indicates compliance with the Certifications contained in Attachment A as attached hereto and incorporated by reference as if fully set forth herein.

AGREEMENT NUMBER ERS22020047	AMENDMENT NUMBER	VENDOR NUMBER 44600052414
CONTRACTOR NAME (PLEASE PRINT/TYPE) Jackson County Environmental Health	DOING BUSINESS AS (DBA) NAME	
NAME OF AUTHORIZED REPRESENTATIVE	PAYMENT MAILING ADDRESS	
FEDERAL TAX I.D. OR SOCIAL SECURITY NUMBER	CITY, STATE, ZIP	
TELEPHONE NUMBER	E-MAIL ADDRESS	
SIGNATURE OF CONTRACTOR OR REPRESENTATIVE		DATE
MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES, DIVISION OF ADMINISTRATION DIRECTOR OR DESIGNEE		DATE

5. The Contractor must be in compliance with the laws regarding conducting business in the State of Missouri. The Contractor shall provide documentation of compliance upon request by the Department. The compliance to conduct business in the state shall include, but not necessarily be limited to:

5.1 Registration of business name (if applicable) with the Secretary of State at <http://sos.mo.gov/business/startBusiness.asp>

5.2 Certificate of authority to transact business/certificate of good standing (if applicable)

5.3 Taxes (e.g., city/county/state/federal)

5.4 State and local certifications (e.g., professions/occupations/activities)

5.5 Licenses and permits (e.g., city/county license, sales permits)

5.6 Insurance (e.g., worker's compensation/unemployment compensation)

6. Unless otherwise stated in this contract, the Contractor shall use the below information for any correspondence regarding this contract:

Program Name: Environmental Child Care Program

Program Contact: Breanna Werdehausen, HPR II

Address: 930 Wildwood Drive, PO Box 570, Jefferson City MO 65109

Phone: (573) 751-6095

Email: eccprogram.lphas@health.mo.gov

7. Inspection Sites

7.1 The Provider shall conduct sanitation inspections at all regulated child care facilities while in operation, including licensed and licensed exempt facilities, as designated by the Department.

8. Inspection Requirements

8.1 The Provider shall conduct annual, special circumstance, and re-inspection sanitation inspections as outlined in Section 6.0 Environmental Child Care, subsections: 6.2 through 6.4, of the Environmental Health Operational Guidelines (EHOG), available at: <http://health.mo.gov/atoz/ehog/index.php>;

8.2 The Provider shall conduct special circumstance sanitation inspections as requested and/or approved by the Bureau of Environmental Health Services; and

8.3 The Provider shall upon request from the Department, conduct unannounced annual inspections at existing child care facilities prior to the due date set by the Department.

9. Inspection Reports

- 9.1 The Provider shall use the Sanitation Inspection Report Forms BCC-34-1 and BCC-34-2 for family child care home inspections;
- 9.2 The Provider shall use the Sanitation Inspection Report Forms BCC-35-1, BCC-35-2, and BCC-35-3 for inspections of licensed centers, group homes, and licensed exempt facilities;
- 9.3 The Provider shall use the appropriate Sanitation Inspection Report Form BCC-34 or BCC-35 for special circumstance sanitation inspections.
- 9.4 The Provider may obtain the Sanitation Inspection Report Forms BCC-34 and BCC-35 at: <http://health.mo.gov/warehouse>.
10. Re-inspections
 - 10.1 The Provider shall conduct a re-inspection on existing child care facilities that do not meet all sanitation requirements at the time of their annual inspection;
 - 10.2 The Provider shall conduct one (1) scheduled re-inspection no more than thirty (30) calendar days after the inspection due date (specified by the Department on the request for the annual child care inspection form);
 - 10.3 The Provider shall use the Sanitation Inspection Report Forms BCC-34-1 and BCC-34-2 for family child care home re-inspections; and
 - 10.4 The Provider shall use the Sanitation Inspection Report Forms BCC-35-1, BCC-35-2, and BCC-35-3 for re-inspections of licensed centers, group homes, and licensed exempt facilities.
 - 10.5 The Provider shall notify the Department's Bureau of Environmental Health Services within ten (10) working days after a child care facility does not conform to all sanitation requirements after one (1) re-inspection.
11. Inspector Qualifications
 - 11.1 The Provider shall ensure all inspectors meet the requirements for an Environmental Public Health Specialist as defined by the Office of Administration, Division of Personnel's Uniform Classification and Pay Job Descriptions; and
 - 11.2 The Provider shall ensure all inspectors have a minimum of six (6) months of field experience prior to beginning child care sanitation training.
 - 11.3 Qualifications and experience requirements can be found in Section 6.0 Environmental Child Care, subsections: 6.2 through 6.4, of the Environmental Health Operational Guidelines (EHOG), available at: <http://health.mo.gov/atoz/ehog/index.php>.
12. Inspector Training Requirements

- 12.1 All inspectors shall complete initial child care sanitation training prior to conducting child care sanitation inspections. Trainings include, but are not limited to, distance learning, classroom, and in-field training. Trainings shall be conducted in accordance with Section 6.0 Environmental Child Care of the EHOG;
- 12.2 All inspectors shall attend annual Environmental Child Care training provided by the Department;
- 12.2.1 Any inspector not attending annual Environmental Child Care training provided by the Department shall attend additional training with Department staff.
- 12.3 New inspectors or inspectors who have not participated in child care inspections for two (2) years shall conduct a minimum of six (6) joint sanitation inspections with Department staff or designee.
13. Approval of Inspections/Submission of Forms
- 13.1 For annual, re-inspection, and special circumstance inspections, the Provider shall submit the complete and legible Sanitation Inspection Report form for each child care facility within ten (10) working days following the date of inspection.
- 13.2 If the inspections and forms do not comply with the requirements set out in this Agreement, the Department will not approve the inspections for reimbursement.
- 13.3 The Provider shall remit all forms to the appropriate Regional Licensing Office:
Department of Health and Senior Services
Attention: Section of Child Care Regulation
14. Reimbursement Requirements
- 14.1 The Department will not reimburse the Provider for inspectors attending annual Environmental Child Care training.
- 14.2 The Department will not reimburse the Provider for more than 140 ^{2AK} annual inspection(s) if the Provider does not obtain prior written approval from the Bureau of Environmental Health Services, Department of Health and Senior Services via email to eccprogram.lphas@health.mo.gov.
- 14.3 The Department will not reimburse the Provider for any special circumstance inspection(s) if the Provider does not obtain prior written approval from the Bureau of Environmental Health Services, Department of Health and Senior Services via email to eccprogram.lphas@health.mo.gov.
- 14.4 The Department will not reimburse the Provider for training inspections in which the Department is the lead inspector.

- 14.5 The Department will not reimburse the Provider for any inspections if the Provider fails to submit the Sanitation Inspection Report Forms BCC-34 or BCC-35 by the deadline set out herein; or
- 14.5.1 If the Provider's Sanitation Inspection Report Forms (either BCC-34 or BCC-35) do not meet the criteria for approval by the Department set out in this Agreement.
- 14.6 Annual Inspections
- 14.6.1 The Department will reimburse the Provider at a fixed rate of \$120 for each annual inspection the Provider conducts within their home county.
- 14.7 Re-inspections
- 14.7.1 The Department will reimburse the Provider at a fixed rate of \$70 for one (1) re-inspection the Provider conducts per child care facility within their home county.
- 14.8 Special Circumstance Inspections
- 14.8.1 The Department will reimburse the Provider at a fixed rate of \$30 per hour for each special circumstance inspection the Provider conducts within their home county as approved by the Bureau of Environmental Health Services.
- 14.9 Attempted Inspections
- 14.9.1 The Department will reimburse the Provider at a fixed rate of \$25 for responding to a request for an inspection and the facility is closed or otherwise unavailable to the inspector within their home county.
- 14.9.2 The Department will not reimburse the Provider for more than two (2) attempted inspections per child care facility without prior written approval from the Bureau of Environmental Health Services, Department of Health and Senior Services via email to eccprogram.lphas@health.mo.gov.
15. Invoices
- 15.1 The Provider shall submit a monthly invoice for all inspections conducted and reported during each month. If nothing to bill, the Provider shall submit a zero invoice.
- 15.1.1 The Provider may not submit more than one (1) invoice per month or submit an invoice later than thirty (30) calendar days following the end of the month, unless the Provider obtained prior approval from the Department.
- 15.1.2 The Provider may submit its request for an exception to eccprogram.lphas@health.mo.gov.
- 15.1.3 The Provider shall submit the September invoice no later than October 10th.

- 15.1.4 The Provider shall submit all invoices to the Department on the standard DH-38 billing form and shall include both the agreement number and invoice number.
- 15.1.5 The Provider shall submit the complete and legible Reimbursement Request for Child Care Sanitation Inspection DC-38 and copies of the Request for Child Care Inspection and Sanitation Inspection Report BCC-34 or BCC-35.
- 15.1.6 The Provider shall submit the complete and legible Late Reimbursement Request DC-39 for inspections and special circumstance inspections not conducted by the inspection due date listed on the inspection request from the Department.
- 15.1.7 The Provider shall submit the complete and legible Late Reimbursement Request DC-39 for re-inspections not conducted within thirty (30) calendar days of the inspection due date listed on the inspection request from the Department.
- 15.1.8 If the Department denies a Provider's request for payment, the Department shall provide the Provider with written notice of the reason(s) for the denial.
- 15.1.9 The Department shall not reimburse the Provider based on any invoice that the Provider does not submit in accordance with the requirements set out in this Agreement.
- 15.1.10 The Department shall not reimburse the Provider for inspections conducted by an inspector who has not completed their initial child care sanitation training.
- 15.1.11 The Provider shall remit monthly invoices via eccprogram.lphas@health.mo.gov, fax (573-526-7377) or to:

Missouri Department of Health and Senior Services
Bureau of Environmental Health Services
P.O. Box 570, 930 Wildwood Drive
Jefferson City, Mo 65102-0570

16. Authorized Personnel

- 16.1 The Provider shall be responsible for assuring that all personnel are appropriately qualified and licensed or certified, as required by state, federal or local law, statute or regulation, respective to the services to be provided through this contract; and documentation of such licensure or certification shall be made available upon request.
- 16.2 The Provider shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws. This includes but is not limited to the Immigration Reform and Control Act of 1986 as codified at 8 U.S.C. § 1324a, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and Section 274A of the Immigration and Nationality Act. If the Provider is found to be in violation of these requirements or the applicable laws of the state, federal and local laws and regulations, and if the State of Missouri has reasonable cause to believe that the Provider has knowingly employed individuals who are not eligible to work in the

United States, the state shall have the right to cancel the contract immediately without penalty or recourse and suspend or debar the Provider from doing business with the state. The state may also withhold up to twenty-five percent of the total amount due to the Provider. The Provider agrees to fully cooperate with any audit or investigation from federal, state or local law enforcement agencies.

- 16.3 Affidavit of Work Authorization and Documentation: Pursuant to section 285.530, RSMo, if the Provider meets the section 285.525, RSMo definition of a “business entity” (<http://www.moga.mo.gov/mostatutes/stathtml/28500005301.html?&me=285.530>), the Provider must affirm the Provider’s enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services requested herein. The Provider should complete applicable portions of Exhibit 1, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization as attached hereto and incorporated by reference as if fully set forth herein. The applicable portions of Exhibit 1 must be submitted prior to an award of a contract.
- 16.4 If the Provider meets the definition of a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo the Provider shall maintain enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the contracted services included herein. If the Provider’s business status changes during the life of the contract to become a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo then the Provider shall, prior to the performance of any services as a business entity under the contract:
- 16.4.1 Enroll and participate in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein; AND
- 16.4.2 Provide to the Missouri Department of Health and Senior Services the documentation required in the exhibit titled, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization affirming said company’s/individual’s enrollment and participation in the E-Verify federal work authorization program; AND
- 16.4.3 Submit to the Missouri Department of Health and Senior Services a completed, notarized Affidavit of Work Authorization provided in the exhibit titled, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization.
- 16.5 In accordance with subsection 2 of section 285.530 RSMo, the Provider should renew their Affidavit of Work Authorization annually. A valid Affidavit of Work Authorization is necessary to award any new contracts.
17. Termination

- 17.1 The Department, in its sole discretion, may terminate the obligations of each party under this contract, in whole or in part, effective immediately upon providing written notification to the Provider if:
- 17.1.1 State and/or federal funds are not appropriated, continued, or available at a sufficient level to fund this contract; or
 - 17.1.2 A change in federal or state law relevant to this contract occurs; or
 - 17.1.3 A material change of the parties to the contract occurs; or
 - 17.1.4 By request of the Provider.
- 17.2 Each party under this contract may terminate the contract, in whole or in part, at any time, for its convenience without penalty or recourse by providing the following written notice:
- 17.2.1 The Department will provide written notice to the Provider at least thirty (30) calendar days prior to the effective date of such termination.
 - 17.2.2 The Provider shall provide written notice to the Department at least sixty (60) calendar days prior to the effective date of such termination.
- 17.3 This Agreement expresses the complete agreement of the parties and shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. Performance shall be governed solely by the terms and conditions contained in this agreement.

EXHIBIT 1
BUSINESS ENTITY CERTIFICATION, ENROLLMENT DOCUMENTATION,
AND AFFIDAVIT OF WORK AUTHORIZATION

BUSINESS ENTITY CERTIFICATION:

The contractor must certify their current business status by completing either Box A or Box B or Box C on this Exhibit.

- BOX A:** To be completed by a non-business entity as defined below.
BOX B: To be completed by a business entity who has not yet completed and submitted documentation pertaining to the federal work authorization program as described at <http://www.uscis.gov/e-verify>.
BOX C: To be completed by a business entity who has current work authorization documentation on file with a Missouri state agency including Division of Purchasing.

Business entity, as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, is any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood. The term “**business entity**” shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term “**business entity**” shall include any business entity that possesses a business permit, license, or tax certificate issued by the state, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit. The term “**business entity**” shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

Note: Regarding governmental entities, business entity includes Missouri schools, Missouri universities (other than stated in Box C), out of state agencies, out of state schools, out of state universities, and political subdivisions. A business entity does not include Missouri state agencies and federal government entities.

BOX A – CURRENTLY NOT A BUSINESS ENTITY

I certify that _____ (Company/Individual Name) **DOES NOT CURRENTLY MEET** the definition of a business entity, as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above, because: (check the applicable business status that applies below)

- I am a self-employed individual with no employees; **OR**
- The company that I represent employs the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

I certify that I am not an alien unlawfully present in the United States and if _____ (Company/Individual Name) is awarded a contract for the services requested herein under Environmental Child Care Sanitation Inspections (Contract Name) and if the business status changes during the life of the contract to become a business entity as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, then, prior to the performance of any services as a business entity, _____ (Company/Individual Name) agrees to complete Box B, comply with the requirements stated in Box B and provide the Department of Health and Senior Services with all documentation required in Box B of this exhibit.

Authorized Representative's Name (Please Print)

Authorized Representative's Signature

Company Name (if applicable)

Date

EXHIBIT 1, continued

Complete the following if you DO NOT have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box B, do not complete Box C.

BOX B – CURRENT BUSINESS ENTITY STATUS

I certify that _____ (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo, pertaining to section 285.530.

Authorized Business Entity Representative's
Name (Please Print)

Authorized Business Entity
Representative's Signature

Business Entity Name

Date

E-Mail Address

As a business entity, the contractor must perform/provide each of the following. The contractor should check each to verify completion/submission of all of the following:

- Enroll and participate in the E-Verify federal work authorization program (Website: <http://www.uscis.gov/e-verify>; Phone: 888-464-4218; Email: e-verify@dhs.gov) with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein; AND
- Provide documentation affirming said company's/individual's enrollment and participation in the E-Verify federal work authorization program. Documentation shall include EITHER the E-Verify Employment Eligibility Verification page listing the contractor's name and company ID OR a page from the E-Verify Memorandum of Understanding (MOU) listing the contractor's name and the MOU signature page completed and signed, at minimum, by the contractor and the Department of Homeland Security – Verification Division. If the signature page of the MOU lists the contractor's name and company ID, then no additional pages of the MOU must be submitted; AND
- Submit a completed, notarized Affidavit of Work Authorization provided on the next page of this Exhibit.

EXHIBIT 1, continued

AFFIDAVIT OF WORK AUTHORIZATION:

The contractor who meets the section 285.525, RSMo, definition of a business entity must complete and return the following Affidavit of Work Authorization.

Comes now _____ (Name of Business Entity Authorized Representative) as _____ (Position/Title) first being duly sworn on my oath, affirm _____ (Business Entity Name) is enrolled and will continue to participate in the E-Verify federal work authorization program with respect to employees hired after enrollment in the program who are proposed to work in connection with the services related to contract(s) with the State of Missouri for the duration of the contract(s), if awarded in accordance with subsection 2 of section 285.530, RSMo. I also affirm that _____ (Business Entity Name) does not and will not knowingly employ a person who is an unauthorized alien in connection with the contracted services provided under the contract(s) for the duration of the contract(s), if awarded.

In Affirmation thereof, the facts stated above are true and correct. (The undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo.)

_____	_____
Authorized Representative's Signature	Printed Name
_____	_____
Title	Date
_____	_____
E-Mail Address	E-Verify Company ID Number

Subscribed and sworn to before me this _____ of _____, I am
(DAY) (MONTH, YEAR)
commissioned as a notary public within the County of _____, State of
(NAME OF COUNTY)
_____, and my commission expires on _____.
(NAME OF STATE) (DATE)

_____	_____
Signature of Notary	Date

EXHIBIT 1, continued

Complete the following if you have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box C, do not complete Box B.

BOX C – AFFIDAVIT ON FILE - CURRENT BUSINESS ENTITY STATUS

I certify that _____ (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, and have enrolled and currently participates in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services related to contract(s) with the State of Missouri. We have previously provided documentation to a Missouri state agency or public university that affirms enrollment and participation in the E-Verify federal work authorization program. The documentation that was previously provided included the following.

- ✓ The E-Verify Employment Eligibility Verification page OR a page from the E-Verify Memorandum of Understanding (MOU) listing the contractor's name and the MOU signature page completed and signed by the contractor and the Department of Homeland Security – Verification Division
- ✓ A current, notarized Affidavit of Work Authorization (must be completed, signed, and notarized within the past twelve months).

Name of **Missouri State Agency or Public University*** to Which Previous E-Verify Documentation Submitted: _____

(*Public University includes the following five schools under chapter 34, RSMo: Harris-Stowe State University – St. Louis; Missouri Southern State University – Joplin; Missouri Western State University – St. Joseph; Northwest Missouri State University – Maryville; Southeast Missouri State University – Cape Girardeau.)

Date of Previous E-Verify Documentation Submission: _____

Previous **Bid/Contract Number** for Which Previous E-Verify Documentation Submitted: _____

(if known)

Authorized Business Entity Representative's Name (Please Print)

Authorized Business Entity Representative's Signature

E-Verify MOU Company ID Number

E-Mail Address

Business Entity Name

Date

FOR STATE USE ONLY

Documentation Verification Completed By:

Buyer

Date