

Memorandum of Understanding
Between the Metropolitan Jacksonville Area HIV Health Services Planning
Council and Administrative Agency
Approved by Vote of the Planning Council on – October 27, 2022

I. Purpose Statement

This Memorandum of Understanding (MOU) is designed to:

- Create a shared understanding of the relationship between the Metropolitan Jacksonville Area HIV Health Services Planning Council (herein Planning Council) and the City of Jacksonville Part A Office (herein Administrative Agency),
- Delineate the roles and responsibilities of each party; and
- Encourage a mutually beneficial relationship.

This MOU describes the legislated responsibilities and roles of each party, the locally defined roles, and expectations for how these roles and responsibilities will be carried out. It will help ensure positive and appropriate communication, information sharing, and cooperation that will help ensure the effective and efficient delivery of medical and support services to persons affected and infected by HIV/AIDS in the Jacksonville Transitional Grant Area (TGA).

II. Roles and Responsibilities

A. Roles and Responsibilities of the Planning Council

The Planning Council is solely responsible for the following tasks, as specified in the Ryan White HIV/AIDS Treatment Extension Act of 2009:

- 1. Priority Setting and Resource Allocation (PSRA):** Set priorities among service categories based on the findings of the needs assessment and other relevant information, allocate funds to those service categories, and provide directives to the Administrative Agency on how best to meet those priorities. This includes reallocation of funds as required during the program year and allocation of carryover funds. Preliminary work is delegated to a committee, but the entire planning body makes decisions about PSRA. The PSRA process also includes community input, particularly from people living with HIV/AIDS (PLWHA) in the TGA. Planning Council Support Staff will ensure that the entire decision-making process is well documented in meeting minutes.
- 2. Assessment of the Efficiency of the Administrative Mechanism:** Assess the Administrative Agency's process and speed for procuring services and disbursing funds to the areas of greatest need within the TGA. The results of the assessment are shared with the Administrative Agency, who develops a response including corrective actions if needed. Both the results of the assessment and the Administrative Agency's response are summarized in the Ryan White HIV/AIDS Program (RWHAP) Part A funding application or the RWHAP Part A Non-Competing Continuation Progress Report as required for the following grant year.

3. **Grievance Procedures:** Develop grievance procedures to handle complaints regarding decisions about funding. The grievance procedures specify who is allowed to file a grievance, types of grievances covered, and how grievances will be handled. The Administrative Agency also has its own grievance procedures. The two sets of grievance procedures should be written to be in alignment with each other so that they do not conflict.
4. **Conflict of Interest:** Develop procedures to assure that decisions concerning service priorities and funding allocations are based upon community and client needs and not on the financial interests of individual service providers or the personal or professional interests of individual planning council members. A conflict-of-interest disclosure form is completed by all members that states in writing any affiliations that could create a conflict of interest.

B. Roles and Responsibilities of the Administrative Agency

The Administrative Agency is solely responsible for meeting the following legislatively mandated responsibilities:

1. **Procurement:** Manage the process for awarding contracts to specific service providers.
2. **Contracting:** Distribute funds according to the priorities, allocations, and directives of the Planning Council.
3. **Contract Monitoring:** Monitor contracts to be sure that sub recipients are meeting their contracted responsibilities in compliance with established standards of care. Recommend re-allocation of funds to the Planning Council during the grant year based on service category performance.
4. **Technical Assistance to Service Providers:** Provide technical assistance to sub recipients on an as-needed basis to build capacity and to improve contract compliance and service delivery.
5. **Grievance Procedures:** Develop grievance procedures, which focus on handling of complaints about the process used for funding of sub recipients who provide services. The Planning Council also has its own grievance procedures. The two sets of grievance procedures should be written to be in alignment with each other so that they do not conflict.

C. Shared Responsibilities

The Administrative Agency and Planning Council share the following legislative responsibilities, with one party having the lead role for each, as stated below:

1. **Needs Assessment:** Determine the size and demographics of the population of PLWHA in the TGA, and their service needs. The Planning Council has primary responsibility for the needs assessment, with the Administrative Agency assisting

with the process and providing the Planning Council with information such as service utilization data and expenditures by service category.

2. **Comprehensive Planning:** Develop an Integrated Comprehensive Plan for the organization and delivery of prevention, core medical, and support services within the TGA. Part A/Part B staff share the responsibility for drafting the “Plan” The Planning Council provides information, input, and other assistance in creating the plan. The Planning Council works with the Part A/Part B staff to review and suggest changes to the draft Integrated Comprehensive Plan. The Plan is developed every three years or as specified by the funding agency.
3. **Clinical Quality Management (CQM):** Establish a CQM program to assess the extent to which HIV-related primary health care services are consistent with Public Health Service guidelines, to enhance health and supportive service access and delivery, and continuously improve systems of care. Planning Council members sit on the CQM Committee and PLWH may be part of CQM field teams visiting RWHAP Part A providers/sub recipients.
4. **Coordination of Services:** Coordinate with other RWHAP Parts and other HIV-related services. The Planning Council and Administrative Agency ensure that RWHAP Part A resource allocation decisions account for and are coordinated with other funds and services to avoid duplication in spending and reduce gaps in care.
5. **Development of Service Standards:** Develop service standards for funded service categories. The service standards address the elements and expectations for service delivery, such as service components, intake and eligibility, personnel qualifications, and client rights and responsibilities. The Administrative Agency takes the lead role and works with the Planning Council, providers, consumers, and experts on service categories. The service standards are consistent with HHS guidelines on HIV care and treatment as well as HRSA/HAB standards and performance measures, including the National Monitoring Standards.
6. **Evaluation of Services, Performance Outcomes, and Cost-Effectiveness:** Evaluate how well services funded by the RWHAP Part A program are meeting identified community needs by reviewing data on clinical outcomes and the HIV Care Continuum. The Planning Council takes the lead role and data is provided by the Administrative Agency.
7. **Development of Planning Council Policies and Procedures:** The Administrative Agency and Planning Council work together to develop policies and procedures that address Planning Council operations. All policies and procedures will be approved by the Executive Committee. At least annually, the Executive Committee will review current policies and procedures to make updates and corrections.

D. Administrative Responsibilities

In addition to these legislative roles, the Administrative Agency and Planning Council share the following responsibilities related to RWHAP Part A planning

and management:

1. **Fiscal Management of Planning Council Support Funds:** The Administrative Agency provides fiscal management of Planning Council support funds. The annual Planning Council support budget is funded as a part of the allocation of up to 10% of the total grant that may be used for administrative costs. The Administrative Agency is responsible for ensuring that all expenditures meet RWHAP guidelines, as well as local financial management regulations.
2. **Contracting for Planning Council Consultants or Services:** The Administrative Agency provides contracting services when the Planning Council needs to hire consultants or other contractors. This contracting must meet local procurement requirements as well as RWHAP guidelines, and updates regarding the hiring of consultants are regularly provided to the Planning Council.
3. **Office Space:** The Administrative Agency and Planning Council Support Staff will maintain separate and distinct office space within the same building where feasible. The Administrative Agency takes the lead in providing appropriate office space for both parties. Office space for the Planning Council Support Staff must meet all Americans with Disabilities Act (ADA) requirements.
4. **Administrative Agency and Planning Council Support Staff:** The Administrative Agency and Planning Council Support Staff are employees of the City of Jacksonville. The Administrative Agency staff are hired and supervised by the City of Jacksonville's Parks, Recreation and Community Services Department. The Planning Council Support Staff is supervised by the Chief of Social Services Division. The Planning Council Support Staff is responsible for supporting the work of the Planning Council and its committees. The Planning Council is kept informed about major Planning Council Support Staff issues or staffing changes.
5. **Annual Application Process:** The Administrative Agency has primary responsibility for preparation and submission of the annual RWHAP Part A application or the RWHAP Part A Non-Competing Continuation Progress Report as required and provides an update to the Planning Council on its status and outcome.

III. Communications

A. Principles for Effective Communication

The parties commit themselves to the following principles:

1. The Planning Council Support Staff will be the communication liaison between the Administrative Agency and the Planning Council. The Planning Council Support Staff will be responsible for receiving and disseminating information between the two parties.
2. When the Planning Council needs information or materials from the Administrative Agency beyond those that are regularly shared, the Planning Council Support Staff will make the request in writing (via e-mail) or on the

record during a meeting and recorded in the minutes of the meeting.

3. When the Administrative Agency needs information or materials from the Planning Council beyond those that are regularly shared, the Administrative Agency will request it through the Planning Council Support Staff. The request will be made in writing (via e-mail) or on the record during a meeting and recorded in the minutes of the meeting.
4. All information requests from Planning Council members to the Administrative Agency, including Committee Chairs and Co-Chairs, should be directed to the Chair, Vice-Chair, or Planning Council Support Staff, as appropriate. The request will be made in writing (via e-mail) or on the record during a meeting and recorded in the minutes of the meeting.
5. Planning Council Support Staff will attend all Standing and Ad Hoc Committee meetings, except for Community Connections, to record attendance and meeting minutes. Planning Council Support Staff will provide copies of any documents prepared for the meeting. If Planning Council Support Staff is not available, Planning Council Support Staff will request assistance from the Administrative Agency.
6. All parties will avoid inappropriate communication requests or channels. This includes not requesting information from individuals other than those designated, nor bypassing established communication channels, and maintaining the confidentiality of information that should not be shared with outside parties.
7. When policies or procedures appear problematic, the parties will work together to clarify and, if appropriate, refine them while adhering to legislative requirements, HRSA/HAB guidance, policy statements, and state and local statutes.
8. All parties will make decisions based on data from sources that are appropriate, current, and reputable. Planning Council members will not use information about individual providers to make decisions, even if it is available to them as individuals.
9. The Planning Council will not become involved in consumer complaints about services. If the Planning Council or Administrative Agency receive complaints about a specific provider, it will refer the individual expressing the concern to the individual provider for resolution through its own grievance process.

B. Implementing these Principles

To facilitate communications and implement these principles, all parties agree to the following actions:

1. The signatories to this agreement will participate in an Executive Committee meeting before the first full Planning Council meeting held in March of each year. It will be used to communicate specific mutual expectations for the year, ensure a mutual understanding of the RWHAP Part A program and Planning Council status and directions, clarify a calendar for the year including dates when

materials and information will be shared, and address potential issues or problems. Subsequent Executive Committee meetings will be used to monitor progress, refine the calendar as needed, and address any issues that may arise in the relationship between the Administrative Agency and the Planning Council.

2. When making special requests for information or materials, both parties will provide as much lead time as possible. When sharing information, both parties will do so as timely as possible. Information received by one party but important to both will be shared within five business days. Requests for information will generally be met within five business days. If requests will take longer to meet, the party will notify the Planning Council Support Staff and agree on a time frame for meeting the request. Both parties commit themselves to responding rapidly to any requests that involve meeting Conditions of Award, satisfying HRSA/HAB requirements or requests, and addressing other matters that may affect the funding or reputation of the TGA's RWHAP Part A program.
3. If requested information is not received in a timely manner, the Planning Council Support Staff will have responsibility for making final request for information from the appropriate party.

IV. Information, Document Sharing, and Reports/Deliverables

This section specifies a set of materials to be provided and information to be shared between the parties. Parties to the MOU may request and receive additional materials or information, except for those that should not be shared for reasons of confidentiality.

A. Information to be Provided by the Planning Council to the Administrative Agency

The Planning Council will provide the Administrative Agency with the following information and materials:

1. Notification of the Planning Council's monthly meetings, retreats, orientation and training sessions, and other Planning Council events.
2. The annual list of service priorities and resource allocations, along with the process used to establish them and directives to the Administrative Agency or edits to existing directives on how best to meet these priorities. This information will be provided within five business days after the Planning Council has approved the priorities, allocations, and directives.
3. Copies of final planning documents prepared by the Planning Council, such as needs assessment reports, Planning Council timeline, and the Comprehensive Plan, within an agreed upon timeframe.
4. Information or documents needed by the Administrative Agency to complete the sections of the annual application related to the Planning Council and its functions, within an agreed upon timeframe.
5. Information/documents/Signatures needed by the Administrative Agency to complete required reporting by the funder (HRSA)

B. Information to be Provided by the Administrative Agency to the Planning Council

The Administrative Agency will provide the Planning Council the following reports and information. Additional information needs will be discussed and agreed upon at the Executive Committee meeting held each year before the first full Planning Council meeting in March, and at subsequent Executive Committee Meetings, as needed.

1. A copy of the annual Notice of Award (NoA) including Conditions of Award, a copy of any approved carryover request, and a copy of other official communications from HRSA/HAB that directly involve the Planning Council, within five business days after they are received from the funding agency and more quickly where time-sensitive responses are required.
2. A report of year-to-date expenditures by service category, including over-and under-expenditures and any unobligated balances, provided in writing to the Executive Committee, no more than 45 days after the end of the month. The Administrative Agency will also provide an oral presentation of the report at the Planning Council meeting and will highlight any unexpected expenses.
3. Utilization data by service category, including client numbers and demographics for each service category and for mutually determined special populations, to be provided quarterly, including end-of-year data consistent with the Ryan White Services Report (RSR). Basic data will be provided within 30 days after the RSR is submitted. Other due dates for more complex analyses will be mutually determined annually.
4. HIV Care Continuum (HCC) data for all PLWHA in the jurisdiction and for Ryan White clients, as well as mutually agreed upon breakdowns by subgroups, to be provided as a data presentation to the Planning Council at least annually. If HCC data are obtained from the State, the Administrative Agency will be responsible for arranging timely provision of these data.
5. Other performance and clinical outcomes data including HRSA/HAB-specific measures, collected by the Administrative Agency, to be provided as a data presentation to the Planning Council at least annually.
6. Information requested by the Planning Council to meet its responsibility for assessing the efficiency of the administrative mechanism. This includes information on the procurement and grants award process, such as statistics (number of applications received, number of awards made, number of applications from minority providers, number of new providers funded, and number of minority providers funded), and reimbursement procedures and timelines.
7. Carryover information as it becomes available. This includes the estimated carryover as submitted to HRSA/HAB at the end of the calendar year, the actual carryover from the Financial Status Report, the carryover plan submitted to HRSA/HAB, and the approved carryover plan.
8. The Final Federal Financial Report (SF-425) and other end-of-year reports, as

submitted to HRSA/HAB in the annual progress report each year. The Planning Council will receive this information within ten business days after the Administrative Agency submits the progress report to HRSA/HAB.

C. Documents and Information That Will Not be Shared

To maintain the confidentiality of sensitive information, except as required by Florida law, the following information will not be shared:

1. The Planning Council will not share information on the HIV status of members of the Planning Council who are not publicly disclosed as PLWHA. Except for individuals who choose to disclose their status, the HIV status of Planning Council members will not be shared with the Administrative Agency or with other Planning Council members except the Planning Council Support Staff and Membership Committee. The aligned/unaligned ratio will be presented to the Planning Council as a percentage of members without identifying information.
2. The Administrative Agency will not share information about individual applicants for sub recipient contracts or about the performance of individual contractors with the Planning Council. Information will be shared by service category only. If there is only one sub recipient in a service category, the information will be shared, but without identifying information.
3. Information about the individual salaries of Administrative Agency and Planning Council Support Staff will not be shared beyond those with a direct need to know. The Planning Council will receive staff salary data only as submitted in the RWHAP Part A application or the RWHAP Part A Non-Competing Continuation Progress Report as required or in the aggregate. The Planning Council will not have access to the Administrative Agency's detailed budget other than the summary version submitted in the RWHAP Part A Application. or the RWHAP Part A Non-Competing Continuation Progress Report as required.
4. The Administrative Agency will not share any personal client information stored in CAREWare

V. Settling Disputes or Conflicts

If conflicts or disputes arise with regard to the roles and responsibilities specified in this MOU, the parties would use the following procedures to resolve them:

- A. Begin with a documented meeting between the parties to attempt to resolve the situation, within five working days after the issue or dispute is identified.
- B. If the situation cannot be resolved by these parties, hold a documented meeting of the parties and the Chief of Social Services to discuss the issue and reach a resolution, if possible, within ten working days after the initial meeting.

VI. Responsible Parties and Contact Information

Following are the responsible parties to this MOU, along with the names of the individuals in these positions at the time the MOU was adopted, and their contact information.

The MOU will continue in effect regardless of changes in the individuals who hold these positions. Their successors will be expected to follow the MOU pending the annual review.

For the Administrative Agency:

- RWHAP Part A Program Manager (Principal Contact)
Sandy Arts
Social Services Division
1809 Art Museum Drive
Jacksonville, FL 32207
(904) 255-3342
sarts@coj.net

For the Planning Council:

- Planning Council Chair (Principal Contact)
Dan Merkan
Director of Policy
JASMYN
PO BOX 2973
Jacksonville, FL 32203
Office: (904) 389-3857 x210
dmerkan@jasmyn.org

VII. MOU Duration and Review

A. Effective Date

The MOU will become effective once all the authorized individuals representing the Administrative Agency and Planning Council sign it.

B. Duration

The MOU will remain in effect unless or until the parties take action to end it or the Administrative Agency is no longer the recipient of RWHAP Part A funding for the TGA.

C. Process for Reviewing and Revising the MOU

The MOU will be reviewed and revised periodically, with the involvement and approval of all parties. Reviews will occur:

1. Following each reauthorization or legislative revision of the Ryan White legislation by the U.S. Congress, to ensure that the MOU remains fully appropriate, updated, and reflective of the Act.

2. At least once every year by the Executive Committee.

When the MOU has been reviewed and revised, the amended version will be signed and dated by all parties. The revised version will become effective once signed.

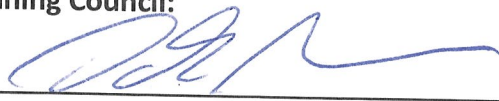
VIII. Signatures

For the Administrative Agency:

Signature:  Date: 10/27/2022

Printed Name: Sandy ARTS Title: Program Manager
part #

For the Planning Council:

Signature:  Date: 10-27-2022

Printed Name: DANIEL E. MERIKAN Title: Chair

REVISION HISTORY	
ACTIVITY	DATE
Technical Revisions by OGC	8/18/21
Approved by PC	7/22/2021
Approved by Executive Committee	10/21/2022
Approved by PC	10/27/2021