

STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF AGING
CONTRACT SUMMARY OF CHANGES
CDA 9008 (NEW 6/16)

Program: Area Plan
Contract Number: AP-2324
Contract Term: 7/1/2023 – 6/30/2024

Section	Current Language in Existing Contract	New/Amended Language in New Contract	Reason for Change
Exhibit A, Article I, A, 23 NEW	Current language does not exist	<p>23. To-Go Meals means meals that are picked up by clients (or client's agent) or delivered to clients who are not comfortable dining in a congregate meal setting.</p> <p>a. C-1: To-Go meals are categorized as C-1 meals if they are consumed onsite and include in-person interaction (e.g., dining at congregate site such as restaurant, food truck, etc. or one-on-one with program volunteer) or consumed offsite and include virtual interaction (e.g., group interaction via Zoom, FaceTime, etc. or one-on-one with program volunteer via telephone) during the meal.</p> <p>b. C-2: To-Go meals are categorized as C-2 meals if they are consumed offsite without in-person or virtual interaction.</p>	To define To-Go meals which are now a permanent option in the Title III C program.
Exhibit A, Article I, A, 24 Renumbered	<p>23. Title III C-2 (Home-Delivered Nutrition Services) means nutrition services provided to homebound older individuals including meals, nutrition education, and nutrition risk screening.</p> <p>Each meal shall provide one-third (1/3) of the DRI and comply with the most current Dietary Guidelines for Americans. [22 CCR 7135, 22 CCR 7638.7(c)]</p>	<p>24. Title III C-2 (Home-Delivered Nutrition Services) means nutrition services provided to frail, homebound, or isolated older individuals including meals, nutrition education, and nutrition risk screening.</p> <p>Each meal shall provide one-third (1/3) of the DRI and comply with the most current Dietary Guidelines for</p>	Clarification provided by ACL that being homebound is not a requirement for C-2 eligibility.

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		Americans. [22 CCR 7135, 22 CCR 7638.7(c)]	
Exhibit B, Article V, A	<p>A. <u>Title III B, III C, III D, III E, VII Ombudsman and VII-A Elder Abuse Prevention</u></p> <p>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.</p>	<p>A. <u>Title III B, III C, III D, III E, VII Ombudsman, VII-A Elder Abuse Prevention, Ombudsman Citation Penalties Account, Licensing and Certification Program funds, Skilled Nursing Facility Quality and Accountability Funds, CARES Act, Elder Justice Act, and Older Californians Act.</u></p> <p>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.</p>	Combined with Exhibit B, Article V.B as requirements are the same and language is redundant.
Exhibit B, Article V, B	<p>B. <u>Ombudsman Citation Penalties Account, Licensing and Certification Program funds, Skilled Nursing Facility Quality and Accountability Funds, CARES Act, Elder Justice Act, and Older Californians Act.</u></p> <p>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.</p>	Remove section	Combined with Exhibit B, Article V.A. as requirements are the same and language is redundant.

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Exhibit B, Article V, C	C. Payments will be made to reimburse expenditures reported unless contractor pre-selects an Advance method on CDA 122 at the time of contract execution.	B. Payments will be made to reimburse expenditures reported unless Contractor pre-selects an Advance method on the budget form at the time of Agreement execution.	Removed CDA 122 form number and renumbered section.
Exhibit B, Article V, F-H	<p>F. The funding balances for July 1 through September 30 will be determined from the Contractor's budget (CDA 122).</p> <p>G. The funding balances for October 1 through February 28 will be based on the contract budget display from the contract amendment until transfers are approved by Administration for Community Living.</p> <p>H. The funding balances for March 1st (or upon ACL approval whichever is the latter) through June 30th, will be based on the Contractor's final budget (CDA 122) (i.e., budget submitted with the contract amendment, the January 15th or April 30th budget).</p>	<p>E. The funding availability for July 1 through September 30 will be determined based on the final three months of the previous federal fiscal year grant period, as specified in the Contractor's budget display.</p> <p>F. The funding availability for October 1 through February 28 will be determined based on the original Agreement budget display allocations until any original transfer requests are approved by Administration for Community Living.</p> <p>G. The funding availability for March 1st (or upon ACL approval whichever is the latter) through June 30th, will be based on the Contractor's final approved budget (i.e., budget submitted with the Agreement amendment, the January 15th or April 30th budget).</p>	Updated funding availability due to 3mo/9mo federal grant period splits and transfer approval processes. Removed CDA 122 form number, revised and renumbered sections.
Exhibit B, Article VI, A	A. The Area Plan Financial Closeout Report (CDA 180), and the Program Property Inventory Certification (CDA 9024) shall be submitted annually to the CDA Local Finance Bureau. All contractors are required to submit Closeout Reports as instructed by CDA.	A. The Area Plan Financial Closeout Report, and reconciliation to Contractor's General Ledger shall be submitted annually to the CDA Local Finance Bureau. All contractors are required to submit Closeout Reports as instructed by CDA.	Removed form numbers, noted electronic submissions and streamlined processes to match submission of other equipment reporting processes

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		All contractors are required to submit a Program Property Inventory Certification annually, at the time of closeouts, to CDAEquipment@aging.ca.gov or as instructed by CDA.	
Exhibit B, Article VI, E	<p>E. 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 the unspent funds.</p> <p>The payment on the invoice is due immediately upon receipt or no later than 30 days from the date on the invoice.</p>	<p>E. 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 Agreement amount. If the expenditures reported by the Contractor are less than the advanced amount, CDA will invoice the Contractor the unspent funds.</p> <p>The payment on the invoice is due immediately upon receipt or no later than 30 calendar days from the date on the invoice.</p> <p>If payment is not received within 30 calendar days, CDA will collect payment from upcoming disbursements. To account for the collected funds from the outstanding invoice, the AAA will need to adjust records to move the funds already on hand from the previous year's Agreement to the current Agreement period.</p>	To clarify CDA's ability to collect funds owed if invoices are not paid timely.

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Exhibit D, Article I, A, 5	5. "DUNS" means the nine-digit, Data Universal Numbering System number established and assigned by Dun and Bradstreet, Inc., to uniquely identify business entities.	5. "UEI" means the Unique Entity ID - a 12-character alphanumeric ID assigned to an entity by SAM.gov on April 4, 2022. As part of this transition, the DUNS number has been removed from SAM.gov and entity registration, searching, and data entry in SAM.gov now require use of the new Unique Entity ID.	SAM.gov changes effective 4/4/22.
Exhibit D, Article I, A, 12	12. "Subcontractor" means the legal entity that receives funds from the Contractor to carry out part of a federal award identified in this Agreement.	12. "Subcontractor" means the legal entity that receives funds from the Contractor to carry out any part of a federal award identified in this Agreement.	
Exhibit D, Article I, A, 13	13. "Subcontract" means any form of legal agreement between the Contractor and the Subcontractor, including an agreement that the Contractor considers a contract, including vendor type Agreements for providing goods or services under this Agreement.	13. "Subcontract" means any form of legal agreement between the Contractor and the Subcontractor, including an agreement that the Contractor or Subcontractor would consider to be a contract, including vendor type Agreements for providing goods or services under this Agreement.	
Exhibit D, Article I, A, 18	18. "Allocation" means the process of assigning a cost, or a group of costs, to one or more cost objective(s), in reasonable proportion to the benefit provided or other equitable relationship. The process may entail assigning a cost(s) directly to a final cost objective or through one or more intermediate cost objectives. (2 CFR 200.4 and 45 CFR 75.2)	18. "Allocation" means the process of assigning a cost, or a group of costs, to one or more cost objective(s), in reasonable proportion to the benefit provided or other equitable relationship. The process may entail assigning a cost(s) directly to a final cost objective or through one or more intermediate cost objectives. (2 CFR 200.1 and 45 CFR 75.2)	Updated reference

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Exhibit D, Article I, A, 19	19. "Disallowed costs" means those charges determined to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award. (2 CFR 200.31 and 45 CFR 75.2)	19. "Disallowed costs" means those charges determined to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award. (2 CFR 200.1 and 45 CFR 75.2)	Updated reference
Exhibit D, Article I, A, 20	20. "Questioned Costs" means a cost that is questioned by the auditor because of an audit finding which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; where the costs, at the time of the audit, are not supported by adequate documentation; or where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances. (2 CFR 200.84 and 45 CFR 75.2).	20. "Questioned Costs" means a cost that is questioned by the auditor because of an audit finding which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; where the costs, at the time of the audit, are not supported by adequate documentation; or where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances. (2 CFR 200.1 and 45 CFR 75.2).	Updated reference
Exhibit D, Article I, A, 21	21. "Recoverable cost" means the state and federal share of the questioned cost.	21. "Recoverable cost" means the questioned cost identified from an audit.	CDA does not differentiate between state and federal share when determining the recoverable amount.
Exhibit D, Article II, M	M. <u>DUNS Number and Related Information</u> 1. The DUNS number must be provided to CDA prior to the execution of this Agreement. Business entities may register for a DUNS number at http://www.dnb.com/duns-number.html .	M. <u>UEI Number and Related Information</u> 1. The Unique Entity Identifier changed from the DUNS Number to the Unique Entity ID (generated by SAM.gov) on April 4, 2022. The UEI number must be provided to CDA prior to the execution	SAM.gov changes effective 4/4/22.

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	<p>2. The Contractor must register the DUNS number and maintain an “Active” status within the federal System for Award Management available online at https://www.sam.gov/portal/SAM/#1</p> <p>3. If CDA cannot access or verify “Active” status the Contractor’s DUNS information, which is related to this federal subaward on the Federal Funding Accountability and Transparency Act Subaward Reporting System (SAM.gov) due to errors in the Contractor’s data entry for its DUNS number, the Contractor must immediately update the information as required.</p>	<p>of this Agreement. Business entities may register for a UEI number at https://sam.gov/content/duns-uei.</p> <p>2. The Contractor must register the UEI number and maintain an “Active” status within the federal System for Award Management available online at https://www.sam.gov/portal/SAM/#1</p> <p>3. If CDA cannot access or verify “Active” status the Contractor’s UEI information, which is related to this federal subaward on the Federal Funding Accountability and Transparency Act Subaward Reporting System (SAM.gov) due to errors in the Contractor’s data entry for its UEI number, the Contractor must immediately update the information as required.</p>	
Exhibit D, Article V, L	L. The Contractor shall refer to 2 CFR 200.330, Subpart D – Subrecipient and Contractor Determinations and 45 CFR 75.351, Subpart D – Subrecipient and Contractor Determinations in making a determination if a subcontractor relationship exists. If such a relationship exists, then the Contractor shall follow the procurement requirements in the applicable OMB Circular.	L. The Contractor shall refer to 2 CFR 200.33 ¹ , Subpart D – Subrecipient and Contractor Determinations and 45 CFR 75.351, Subpart D – Subrecipient and Contractor Determinations in making a determination if a subcontractor relationship exists. If such a relationship exists, then the Contractor shall follow the procurement requirements in the applicable OMB Circular.	Updated reference

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Exhibit D, Article VI, B	B. All such records, including confidential records, must be maintained and made available by the Contractor: (1) until an audit has occurred and an audit resolution has been issued or unless otherwise authorized in writing by CDA's Audit Branch, (2) for such longer period, if any, as is required by applicable statute, by any other clause of this Agreement, or by Sections A and C of this Article, and (3) for such longer period as CDA deems necessary.	B. All such records, including confidential records, must be maintained and made available by the Contractor: (1) until an audit of the July 1, 2023 through June 30, 2024 period of expenditures has occurred and an audit resolution has been issued or unless otherwise authorized in writing by CDA's Audit and Risk Management Branch, (2) for such longer period, if any, as is required by applicable statute, by any other clause of this Agreement, or by Sections A and C of this Article, and (3) for such longer period as CDA deems necessary.	CDA audits are conducted every other year. This is to clarify that records need to be maintained until CDA Audit and Risk Management Branch has audited this specific time period.
Exhibit D, Article VI, E	E. Adequate source documentation of each transaction shall be maintained relative to the allowability of expenditures reimbursed by the State under this Agreement. If the allowability of expenditures cannot be determined because records or documentation of the Contractor are nonexistent or inadequate according to guidelines set forth in 2 CFR 200.302 and 45 CFR 75.302, the expenditures will be questioned in the audit and may be disallowed by CDA during the audit resolution process.	E. Adequate source documentation of each transaction shall be maintained relative to the allowability of expenditures reimbursed by the State under this Agreement. Source documentation includes, but is not limited to: vendor invoices, bank statements, cancelled checks, bank/credit card statements, contracts and agreements, employee time sheets, purchase orders, indirect cost allocation plans.	To clarify the types of source documentation needed.
Exhibit D, Article VII.E.3	3. CDA tag number	3. CDA- issued tag number.	Clarification that the State CDA-issued property tag number must be listed.

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Exhibit D, Article VII, F,1	1. Prior to disposal of any property purchased by the Contractor or the Subcontractor with funds from this Agreement or any predecessor Agreement, the Contractor must obtain approval from CDA for all reportable property as defined in Section B of this Article. Disposition, which includes sale, trade-in, discarding, or transfer to another agency <u>may not occur until approval is received from CDA</u> . The Contractor shall submit to CDA a Request to Dispose of Property (CDA 248). CDA will then instruct the AAA on disposition of the property. Once approval for disposal has been received from CDA and the AAA has reported to CDA the Property Survey Report's (STD 152) Certification of Disposition, the item(s) shall be removed from the Contractor's inventory report.	2. Prior to disposal of any property purchased by the Contractor or the Subcontractor with funds from this Agreement or any predecessor Agreement, the Contractor must obtain approval from CDA for all reportable property as defined in Section B of this Article. Disposition, which includes sale, trade-in, discarding, or transfer to another agency <u>may not occur until approval is received from CDA</u> . The Contractor shall submit to CDA a Request to Dispose of Property (CDA 248) to property@aging.ca.gov . CDA will then instruct the AAA on disposition of the property. Once approval for disposal has been received from CDA and the AAA has reported to CDA the Property Survey Report's (STD 152) Certification of Disposition, the item(s) shall be removed from the Contractor's inventory report. Property is not to be disposed of until both the CDA 248 and STD 152 have been approved by CDA. Contractor will be liable for repayment of purchase price of equipment if Contractor disposes of equipment without prior approval from CDA.	Added email address for submitting forms and clarified that prior CDA approval before disposing of equipment is mandatory.

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Exhibit D, Article VII, G	G. Any loss, damage, or theft of equipment shall be investigated, fully documented and the Contractor shall promptly notify CDA.	G. Any loss, damage, or theft of equipment shall be investigated and fully documented. The Contractor shall promptly notify CDA and shall provide copies of investigative documentation and police reports as requested by CDA.	Updated to include provision of a police report.
Exhibit D, Article X, A2	2. Contractor shall make available all reasonable information necessary to substantiate that expenditures under this agreement are allowable and allocable, including, but not limited to books, documents, papers, and records.	2. Contractor shall make available all reasonable information necessary to substantiate that expenditures under this Agreement are allowable and allocable, including, but not limited to accounting records, vendor invoices, bank statements, cancelled checks, bank/credit card statements, contracts and agreements, employee time sheets, purchase orders, indirect cost allocation plans.	Clarification of types of documents required for a CDA audit.
Exhibit D, Article X, B, 1	1. The CDA Audits Branch shall perform fiscal and compliance audits of Contractors in accordance with Generally Accepted Government Auditing Standards (GAGAS) to ensure compliance with applicable laws, regulations, grants, and contract requirements.	1. The CDA Audits and Risk Management Branch shall perform fiscal and compliance audits of Contractors in accordance with Generally Accepted Government Auditing Standards (GAGAS) to ensure compliance with applicable laws, regulations, grants and contract requirements.	Updated Branch name
Exhibit D, Article X, B,2,a	a. Financial closeouts (2 CFR 200.16 and 45 CFR 75.2)	a. Financial closeouts (2 CFR 200. 1 and 45 CFR 75.2)	Updated reference
Exhibit D, Article X, B,2,c	c. Allocation of expenditures (2 CFR 200.4 and 45 CFR 75.2)	c. Allocation of expenditures (2 CFR 200. 1 and 45 CFR 75.2)	Updated reference

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Exhibit D, Article X, C, 1,a	California Department of Aging Attention: Audits Branch 2880 Gateway Oaks Drive, Suite 200 Sacramento, California 95833	California Department of Aging Attention: Audits and Risk Management Branch 2880 Gateway Oaks Drive, Suite 200 Sacramento, California 95833	Updated Branch name
Exhibit D, Article XI, A, 3	3. If applicable, or unless otherwise amended by future regulation, the Contractor and subcontractors shall comply with the Public Utilities Commission General Order No. 115-F which requires higher levels of insurance for charter-party carriers of passengers and is based on seating capacity as follows:	3. If applicable, or unless otherwise amended by future regulation, the Contractor and subcontractors shall comply with the Public Utilities Commission General Order No. 115- G which requires higher levels of insurance for charter-party carriers of passengers and is based on seating capacity as follows:	Supersedes 115-F
Exhibit E, Article I, A, 24	24. The Contractor shall annually assess each Title III C-2 client's nutrition risk using the Determine Your Nutritional Risk checklist published by the Nutrition Screening Initiative. [OAA § 339(2)(J); OAA § 207(a)(3)]	The Contractor shall annually assess each Title III C-1 and C-2 client's nutrition risk using the Determine Your Nutritional Risk checklist published by the Nutrition Screening Initiative. [OAA § 339(2)(J); OAA § 207(a)(3)]	To clarify that the requirement for nutrition risk assessment using the Determine checklist is required for both C-1 and C-2. Source: PM 13-08.