

**PART II**

**LEGAL SERVICES  
SPECIFICATIONS FOR SERVICE  
*Aging Ahead***

- CONTRACT PERIOD:** July 1, 2025 through June 30, 2026
- SERVICE:** Legal Services
- SERVICE AREA:** Counties of St. Louis, St. Charles, Jefferson, and Franklin.
- ELIGIBLE PERSONS:** Persons 60 years of age or older with greatest social and economic needs
- SERVICE OBJECTIVE:** Provider shall develop a system to provide representation and advice to older adults on designated legal issues. Provider shall have in place an acceptable method of verifying hours of service.
- UNIT OF SERVICE:** One unit is one case hour of service.
- UNIT RATE:** Not-to-exceed \$ 55.12 per unit. No higher bid will be considered responsive.
- ESTIMATED # OF PERSONS SERVED:** 600

**STANDARDS FOR LEGAL SERVICE**

**PART I: 19 CSR 15-4.270**

Include in your response to Section E how these requirements will be met.

1. Funds shall be awarded to legal assistance providers that most fully meet the following requirements.
  - A. Comply with Federal and State regulations and with Division of Senior & Disability Services/*Aging Ahead* standards now in force or under development. Provide an acceptable method of verifying hours of service rendered to *Aging Ahead* clients.
  - B. Have staff with expertise in specific areas of law affecting older adults with economic or social needs, for example, public benefits, institutionalization, and alternatives to institutionalization.
  - C. Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program.

- D. Demonstrate the capacity to deliver legal assistance to institutionalized, isolated and homebound older individuals effectively.
  - E. Demonstrate the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.
2. A legal assistance provider may not require an older adult to disclose information about income or resources as a condition for providing legal assistance under this part. A legal assistance provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling, and representation or for the purpose of identifying additional resources and benefits for which an older adult may be eligible.
3. Each legal assistance provider, its attorney and employees shall comply with the following regulations when engaged in the outside practice of law:
- A. No attorney shall engage in any outside practice of law if the director of the provider has determined that the practice is inconsistent with the attorney's full-time responsibilities.
  - B. If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is newly employed and has a professional responsibility to close cases from a previous law practice and does so as expeditiously as possible.
  - C. If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction and remits to the provider all compensation received; and
  - D. If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in uncompensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction or on behalf of a close friend, family member, religious community or charitable group.
4. A provider, employee of the provider or staff attorney shall not engage in the following prohibited political activities:
- A. A provider shall not contribute or make available Older American Act (the Act) funds or any personnel requirement to any political party or association of the campaign of any candidate for public or party or party office or for use in advocating or opposing any ballot measure, initiative or referendum.
  - B. No employee intentionally shall identify the Title III program or provider with any partisan or nonpartisan political activity or with the campaign of any candidate for public or party office.
  - C. No employee shall use any Act funds for activities prohibited to attorneys under subsection (4)(A); nor shall an employee intentionally identify or encourage

others to identify the provider with those activities.

- D. While engaged in legal assistance activities (any activity carried out during an employee's working hours which uses resources provider under the Act, and, in fact, provides legal assistance to an eligible client), no employee and no staff attorney, at any time, shall –
    - 1) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan.
    - 2) Coerce, directly or indirectly, attempt to coerce, command or advise an employee under the Act to pay, lend or contribute anything of value to a political party or committee, organizations, agency or person for political purposes; or
    - 3) Be a candidate for partisan elective public office.
  - E. While engaged in legal assistance activities supported under the Act, no attorney shall engage in any –
    - 1) Political activity;
    - 2) Activity to provide voters with transportation to the polls or to provide similar assistance in connection with an election; or
    - 3) Voter registration activity.
5. No provider shall use funds received under the Act to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All providers shall establish procedures for the referral of fee-generating cases.
- A. Fee-generating case means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal assistance from an award to a client, from public funds or from the opposing party.
  - B. Other adequate representation is deemed to be unavailable when the provider had determined that fee referral is not possible due to any of the following:
    - 1) The case has been rejected by the local lawyer-referral service or by two (2) private attorneys;
    - 2) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or
    - 3) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate, and consistent with professional responsibility, referral will be attempted at a later time.
  - C. Other adequate representation is deemed to be unavailable when –
    - 1) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims;
    - 2) A court appoints a provider or an employee for a provider pursuant to a statute or a court rule or practice of equal applicability to all attorneys in

- the jurisdiction; or
  - 3) An eligible client is seeking benefits under Title II of the Social Security Act, 42 U.S.C. 401, Federal Old Age Act, Survivors and Disability Insurance Benefits; or Title XVI of the Social Security Act, 42 U.S.C 1381, Supplemental Security Income for Aged, Blind, and Disabled.
  - D. A provider may seek and accept a fee awarded or approved by a court or administrative body or included in a settlement if –
    - 1) The requirements of subsections (4)(B) and (C) are met; and
    - 2) Funds received are not used for purposes prohibited by the Act.
  - E. When a case or matter subject to this section results in a recovery of damages, other than statutory benefits, a provider may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if the –
    - 1) Requirements of subsections (4)(B) and (C) are met; and
    - 2) Client has agreed in writing to reimburse the provider for these costs and expenses.
6. While carrying out legal assistance activities funded under the Act, no employee shall –
- A. Knowingly participate in any public demonstration, picketing, boycott or strike, except as permitted by law in connection with the employee’s own employment situation;
  - B. Intentionally exhort, direct or coerce others to engage in those activities or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow; and
  - C. Be prohibited, if an attorney, by any provision of this section from ---
    - 1) Informing and advising a client about legal alternatives to litigation or the lawful conduct of litigation; or
    - 2) Fulfilling the professional responsibilities of an attorney to a client.
7. No funds made available to a provider under the Act shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a federal, state or local agency or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any state or local legislative body or state proposals by initiative petition, except that an employee may –
- A. Respond to a request from a governmental agency or a legislative body, committee or member made to the employee or to a recipient to testify, draft or review measures or to make representation to the agency, body, committee, or member on a specific matter; or
  - B. Engage in the activities at the request of an eligible client of a provider, to the extent the activities are necessary to the provision of legal advice and representation with respect to particular legal rights and responsibilities which would be affected by particular legislation or administrative measures, but no

employee shall solicit a client in violation of professional responsibilities for the purpose of making the representation possible.

8. Providers shall adopt procedures and forms to document that the legislative administrative activities in which they engage fall within the activities permitted in 45 CFR section 1321.71.
  - A. With respect to activities permitted under subsection (7)(A), a written request signed by an office of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance required and identified the executive or administrative order, regulation or legislation to be addressed.
  - B. With respect to activities permitted under subsection (7)(B), a retainer agreement signed by the client(s) represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought (appearance at a hearing, legislative drafting, etc.) and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed.
  - C. Providers shall obtain the documentation required by this section prior to undertaking any of the activities permitted by subsection (7)(A) or (B) in the absence of a written requirement provided that the fact, nature and circumstances of the request are subsequently documented in writing and signed by the requesting authority.
  
9. No funds made available under the Act shall be used to –
  - A. Maintain separate offices for the sole purpose of engaging in legislative activity.
  - B. Pay dues to any organization (other than a bar association) a substantial purpose of function of which is to take positions on matters pending before legislative or administrative bodies.
  - C. Pay for transportation to legislative or administrative proceedings of persons other than employees engaged in activities permitted under this section or witnesses entering appearances in the proceedings on behalf of clients of the providers, except that those funds may be used to transport the client where necessary and appropriate. This subsection does not authorize payment of transportation expenses for employees not actually engaged in permitted representation activities.
  - D. Pay, in whole or in part for the conduct of, or transportation to, an event if a primary purpose of expenditure is to facilitate lobbying or any other activity which would be prohibited if conducted with funds made available under the Act.
  - E. Pay for administrative or related costs associated with any activity prohibited by this part.
  - F. Assist others, through legislative liaison activities, to influence legislation in a manner that would be prohibited if undertaken with funds made available under the Act. Legislative liaison activities include, but are not limited to, attending legislative sessions or committee hearings, gathering information regarding pending legislation and analyzing the effect of pending legislation.

10. Notwithstanding the provisions of subsection (7)(A), providers shall not use funds made available under the Act for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any state legislature. For purpose of this regulation, publicity or propaganda means any oral communication or any advertisement, telegram, letter, article, newsletter or other printed or written matter or device which contains a direct suggestion or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.
11. No funds made available to a provider under the Act shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless –
  - A. The publication does not contain any publicity or propaganda prohibited by section (10).
  - B. The provider has adopted a policy requiring the provider’s executive director, or his/her designee, to review each application produced by the provider prior to its dissemination for conformity to these regulations.
  - C. The provider provides a copy of any such material produced by the provider to the are agency on aging within thirty (30) days after publication.
  - D. These funds are used only for costs incident to the preparation, production, and dissemination of publications to providers, providers’ staff, and board members, private attorneys representing eligible clients and the area agency on aging, as opposed to the public at large.
12. Notwithstanding the provisions of section (7), no funds made available to a provider under the Act shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter or other device, intended or designed to influence any decision by a federal, state or local agency, except where legal assistance is provided by an employee of a provider to an eligible client on a particular application, claim or case, which directly involves the client’s legal rights and responsibilities or to influence any member of Congress or any other federal, state or local elected officials to favor or oppose any acts, bills, resolutions or similar legislation or any referendum, initiative, constitutional amendment or any similar procedure of Congress, any state legislature, any local council or any similar governing body, except that this subsection shall not preclude funds from being used in connection with communications made in response to any federal, state or local official upon a specific matter.
  - A. The exception for communications to officials does not authorize communication with anyone other than the requesting party.
  - B. No employee of the provider, directly or indirectly, shall solicit a request from any official to testify or otherwise advocate the support or defeat of legislative measures.

13. Nothing in this section is intended to prohibit an employee from –

- A. Communicating with a governmental agency for the purpose of obtaining information, clarification or interpretation of the agency’s rules, practices or policies.
- B. Informing a client about a new or proposed statute, executive order or administrative regulation consistent with the requirements of sections (10) and (11).
- C. Responding to an individual client’s request for advice only with respect to the client’s own communications to officials unless otherwise prohibited by the Older Americans Act, Title III regulations or other applicable law. This provision does not authorize publication or training of a client on lobbying techniques or the composition of communication for the client’s use.
- D. Making direct contract with the area agency on aging for any purpose.

**PART II: 45 CFR 1321.93(d)(e)(f)**

Include in your response to Section E how these requirements will be met.

- 1. Retain staff with expertise in specific areas of law affecting older individuals with economic or social need, including the priority areas identified in the OAA.
- 2. Demonstrate and maintain expertise in specific areas of law that are given priority in the Act, including income and public entitlement benefits, health care, long-term care, nutrition, consumer law, housing, utilities, protective services, abuse, neglect, age discrimination, and defense of guardianship, prioritizing focus from among the areas of law based on the needs of the community served (see 45 CFR 1321.93(d)(2)(i-ii) for more detail about defense of guardianship). Maintain the expertise required to deliver any matters in addition to priority case types listed above that are related to preserving, maintaining, and restoring an older adult’s independence, choice, or financial security.
- 3. Provide effective administrative and judicial advocacy in the areas of law affecting older individuals with greatest economic need or greatest social need. Conduct administrative and judicial advocacy as is necessary to meet the legal needs of older adults with economic or social needs, focusing on such individuals with the greatest economic need or greatest social need. See 45 CFR 1321.93(f)(2)(iii)(A-B) for definitions.
- 4. Support other advocacy efforts, including the Long-Term Care Ombudsman Program, including requiring a memorandum of agreement between the State Long-Term Care Ombudsman and the legal assistance providers as required by section 112(h)(8) of the OAA.
- 5. Effectively provide legal assistance to older adults residing in congregate residential long-term settings as defined in the OAA in section 102(35), or who are isolated as

defined in the OAA in section 102(24)(c), or who are restricted to the home due to cognitive or physical limitations.

6. Prioritize representation and advice that focus on the specific areas of law that give rise to problems that are disparately experienced by older adults with economic or social need.
7. Maintain staff with the expertise, knowledge, and skills to deliver legal assistance as described in this section. Maintain the expertise and capacity to deliver a full range of legal assistance, from brief service and advice through representation in hearings, trials, and other administrative and judicial proceedings in the areas of law affecting such older individuals with economic or social need.
8. Engage in reasonable efforts to involve the private bar in legal assistance activities authorized under the Act, including groups within the private bar furnishing services to older adults on a pro bono and reduced fee basis.
9. Ensure that attorneys and personnel under the supervision of attorneys providing legal assistance shall adhere to the applicable Rules of Professional Conduct, including, but not limited to, the obligation to preserve the attorney-client privilege.
10. Accept referrals from the area agency; the area agency is precluded from requiring a pre-screening of older individuals seeking legal assistance or from acting as the sole and exclusive referral pathway to legal assistance.
11. Maintain capacity to provide legal assistance in the preferred language used by older individuals seeking and/or receiving legal assistance who are LEP, including in oral and written communication, and to ensure effective communication for individuals with disabilities, including by providing appropriate auxiliary aids and services where necessary. For additional details, see 45 CFR 1321.93(e)(iii)(A-C).
12. If the legal assistance provider is located within a Legal Services Corporation grantee entity, the legal assistance provider shall adhere to the specific restrictions on activities and client representation in the Legal Services Corporation Act (42 U.S.C. 2996 et seq.). See 45 CFR 1321.93(e)(3)(v)(A-C)
13. Provide legal assistance to meet complex and evolving legal needs that may arise involving a range of private, public, and governmental entities, programs, and activities that may impact an older adult's independence, choice or financial security.
14. Maintain the capacity for and provision of effective administrative and judicial representation. See 45 CFR 1321.93(f)(2)(ii)(A) for a definition.
15. Maintain the capacity to provide effective legal assistance and legal support to other advocacy efforts, including, but not limited to, the Long-Term Care Ombudsman Program serving the PSA, as required by section 712(h)(8) of the OAA, and maintain the



capacity to form, develop and maintain partnerships that support older adults' independence, choice, or financial security.

16. Maintain and exercise the capacity to effectively provide legal assistance to older adults regardless of whether they reside in community or congregate settings, and to provide legal assistance to older individuals who are confined to their home, and older adults whose access to legal assistance may be limited by geography or isolation.
17. Maintain the capacity to provide legal assistance in the preferred language used by older individuals seeking and/or receiving legal assistance who are limited English proficient (LEP) including in oral and written communication. See 45 CFR 1321.93(f)(2)(ix)(A-C).

### **SERVICE DELIVERY METHOD**

1. Comply with Federal and State regulations and with Division of Senior Services/ *Aging Ahead* standards now in force or under development. Provide an acceptable method of verifying hours of service rendered to *Aging Ahead* clients.
2. Provide representation and advice in areas pertaining to: public benefits and areas such as: consumer fraud, defense of creditor's suits, complaints regarding health and life insurance, pre-paid burial plans, housing, nursing home problems and other legal problems resulting from social and/or economic need of the older adult and elder abuse.
3. Establish agreements with private attorneys for reduced fees for older adults and recruit private attorneys to make presentations of legal educational programs at *Aging Ahead* Senior Centers in all four counties.
4. Recruit volunteer attorney to provide wills on a pro bono basis in the outlying counties of Jefferson, Franklin and St. Charles.
5. Provide referral information to clients whose needs cannot be met within this program.
6. Provide training to newly assigned staff members and/or volunteers who will be working with older clients if needed. Staff or volunteers should have experience working with older adults.
7. Submit monthly reports and billing forms to *Aging Ahead* and maintain all required back-up information.
8. Provide educational visits to 25 senior centers if needed.
9. Provide a minimum of **400 units** of advice or representation during the contract period.

## METHOD OF BID

1. Must complete a written plan to assure compliance with Code of State Regulations for Legal Services 19 CSR 15-4.270, 19 CSR 15-7.010 and Code of Federal Regulations 45 CFR 1321.93.
2. Interested providers must complete a Request for Proposal and submit an application for funds.
3. Provider must bid on all four counties.
4. Proposal must meet all specifications as outlined above.
5. Proprietary agencies must include profit margin in each unit.
6. Funds for this program will be supplied by Older Americans Act Funds which has a 15% Cost Sharing or Matching requirement for supportive services (Title IIIB) and a 25% Cost Sharing or Matching requirement for caregiver services (Title IIIE).
7. Maximum allowable administration costs shall not exceed 12% of total budget request.
8. Reimbursement from *Aging Ahead* contract amount shall not exceed 1/4 per quarter unless the reimbursement for the previous quarter was less than 1/4 of the total *Aging Ahead* amount.
9. Complete RFP Section E addressing each of the following requirements:
  - A. Plan to complete all the requirements outlined above.
  - B. Plan to ensure compliance with Code of State Regulations and Code of Federal Regulations.
  - C. Staff orientation and In-Service Training Plans including:
    - 1) Description of the Orientation Training Plan:
      - a. List topics to be addressed;
      - b. Identify orientation methods to be used, i.e., classroom, on-the-job, etc.;
      - c. Identify staff and/or outside organizations primarily responsible for providing orientation training;
      - d. Describe documentation procedures for orientation training.
    - 2) Describe the In-Service Training Plan:

- a. List topics to be addressed;
  - b. Identify in-service training methods to be used;
  - c. Identify staff and/or outside organizations primarily responsible for providing in-service training;
  - d. Describe documentation procedures for in-service training.
- D. Training and Orientation for volunteers.
- E. Record keeping and contribution system:
- 1) Identify location of records;
  - 2) Specify confidentiality safeguards;
  - 3) Describe the procedures for invoicing;
  - 4) Describe the methods used to ask for client contributions including the frequency of opportunity to contribute; (Describe methods for collecting and recording contributions);
  - 5) Describe the procedures used to assure that all contributions are used to expand the services.
- F. Description of grievance and complaint procedure.
- G. Denial of services policy.
- H. Inclement weather policy.
- I. Outreach methods:
- Describe the communication network used to inform the target population about the proposed service. (Consider items such as a toll-free number, methods to reach clients who do not have telephones, brochures, newspaper ads, and other outreach activities).
- J. Describe methods for coordination with other ***Aging Ahead*** sponsored services for the proposed service area and with other agencies/organizations which might benefit service recipient. The following procedures may be used by service providers in coordinating activities:
- 1) Identify people and/or organizations that will enhance program capabilities either now or in the future;
  - 2) Contact related agencies and organizations within the surrounding service area;
  - 3) Negotiate understandings which outline coordinative efforts to be undertaken;
  - 4) Document activities resulting from coordinative efforts;
  - 5) Attend ***Aging Ahead*** networking day for providers.

K. Citizen Participation, Support Network, Outreach:

Provider shall have in place by the effective date of this contract a program of outreach for the purpose of informing the target population about the proposed services. Providers must demonstrate that they have the capability to implement a planned program to obtain local citizen input regarding the operation of the proposed service.

- 1) Describe the provisions for active citizen participation (consider the use of an advisory committee, a suggestion box system and area meetings).
- 2) Describe a planned program for recruiting, training and utilizing volunteers. Volunteers must conform with any pertinent standards.
- 3) Describe planned fund-raising activities (consider items such as local government agency support, service club support, private sector support, special events, social gatherings).
- 4) Include specific written plans to reach individuals with greatest social and economic need. Provider must ensure that at least 51% of legal assistance units are in the priority legal assistance categories noted above.
- 5) Describe conflict of interest policy (or attach copy).
- 6) Include written plan to ensure multilingual staff will be available when there are substantial numbers of non-English speaking service recipients.

