

## **ATTACHMENT A STATEMENT OF WORK**

### **I. PERFORMING AGENCY RESPONSIBILITIES**

Performing Agency will:

- A. Conduct mobile food vendor (MFV) inspections and complaint investigations within its jurisdiction as assigned by DSHS Consumer Protection Division, issue accurate reports to MFVs using methods and forms provided by the DSHS Consumer Protection Division, and submit inspection reports to DSHS Retail Food Safety Operations within 3 business days of inspection completion and in the manner prescribed by DSHS Retail Food Safety Operations.

Inspection reports must contain:

- Written inspection report utilizing the DSHS 56-Item Inspection Form, DSHS Marking Instructions, and MFV Checklist;
- Photographs of interior and exterior of the unit for identification, plumbing system, and violative conditions or occurrences;
- Relevant police, fire, code enforcement, and other local regulatory authority reports;
- Other necessary documents, such as driver's license information, commercial driver's license information, vehicle identification number, license plate, etc.; and relevant complaint or investigative disposition and contact information of the owner, including phone number, email, and mailing address, and person-in-charge (PIC), including email and phone number.

Inspection reports will be submitted and input utilizing DSHS inspection and licensing software according to the Versa Regulation (VR) for IDM Guide and Iron Data Mobile (IDM) User Guide. Performing agencies that do not meet threshold to utilize IDM, must submit inspection reports to DSHS RFSO for processing and uploading into VersaRegulation. These reports must be in pdf format or scanned physical forms and include all other photographs and required documentation.

- B. Ensure personnel conducting inspections perform one of the following:
- Obtain a registered Sanitarian or Registered Sanitarian-in-Training certification with the Texas Department of Licensing and Regulation (TDLR) or
  - obtain an Association of Food and Drug Officials (AFDO) Food Safety Regulatory Professional Credential or
  - obtain a National Environmental Health Association (NEHA) Certified Professional - Food Safety Credential focused on Food Safety or
  - Complete the U.S. Food and Drug Administration Voluntary National Retail Food Regulatory Program Standard 2 basic curriculum and field training or

- Provide proof of training and knowledge that demonstrates inspectors' ability to adhere to the statutory and operational requirements of the program as approved by DSHS Retail Food Safety Operations.
- C. Comply with the following requirements for MFVs:
- Texas Health and Safety Code (HSC) Chapter 437B, Mobile Food Vendors;
  - Texas Health and Safety Code (HSC) Chapter 437, Regulation of food service establishments, retail food stores, mobile food units, and roadside food vendors;
  - Texas Administrative Code Title 25, Part 1, Chapter 226 (25 TAC 226) Mobile Food Vendors;
  - 25 TAC 228 Texas Food Establishment Rules;
  - 25 TAC 229, Subchapter U and
  - All DSHS Retail Food Safety Operations guidance documents and policies pertaining to MFVs.
- D. Testify in enforcement cases that result in administrative hearings or civil hearings, if such testimony is requested by DSHS Consumer Protection Division.
- E. Inspect mobile food vendors within the jurisdiction specified by DSHS:
- Once a year on a routine and randomized basis; and
  - As needed for pre-licensing, and within the timeframe required by DSHS Consumer Protection Division to adhere to the 14-day inspection requirement specified in HSC 437B.054, with a general requirement of completion within 3 business days of receiving the assigned pre-licensing inspection; and
  - If assigned by DSHS RFSO to investigate a complaint or conduct a monitoring/compliance inspection.
- F. Participate in training and technical assistance sessions as coordinated by DSHS Consumer Protection Division.
- G. Notify DSHS of any violations that pose an imminent health hazard or require escalated enforcement action, such as voluntary closures, detention of products, and emergency suspension orders, within an hour of in-person observation and validation.
- H. Investigate reported foodborne illnesses.
- I. Complete at least 50% of expected routine inspections per year.
- J. Adhere to Mobile Food Vendor Standard Operating Procedures (SOP) located at [Forms and Publications - Retail Food Establishments | Texas DSHS](#). The SOP may be updated regularly, and the Performing Agency is responsible for keeping track of all updates.

## **II. SYSTEM AGENCY RESPONSIBILITIES**

DSHS Consumer Protection Division will:

- A. Assign routine inspections quarterly and on an ongoing basis as appropriate using VersaRegulation software.
- B. Assign compliance and complaint investigations as necessary and required using VersaRegulation Software.
- C. Assign pre-licensing inspections during the application and licensing process using

VersaRegulation software.

- D. For jurisdictions that do not utilize a software, inspections will be assigned to Performing Agency using email.
- E. Endorse inspections and provide dispositions, assign appropriate endorsement categories, and take corresponding follow-up enforcement actions (*e.g.*, Warning Letters, Notices of Violation) in a timely manner.
- F. Provide and update appropriate training and guidance documents regarding MFVs to local partners.
- G. Pursue appropriate enforcement action in a timely manner, while including local partners in all enforcement information and decisions affecting MFVs operating in their jurisdictions.
- H. Maintain and update statewide database on a routine and regular basis.
- I. Provide ongoing assistance, guidance, and oversight to performing agency regarding MFV questions, situations, and circumstances that require additional intervention.
- J. Perform all compliance and enforcement procedures, processes, and notifications.
- K. Provide 1 software license to Performing Agencies with over 20 MFVs. DSHS will provide training on software use.
- L. Submit inspections for Performing Agencies with under 20 MFVs. All inspection information will be submitted to assigned DSHS Retail Food Safety Operations team member and then uploaded into inspection software.

### **III. PERFORMANCE MEASURES**

System Agency will monitor the Performing Agency's performance of the requirements in this **ATTACHMENT A-3, THIRD REVISED STATEMENT OF WORK**, and compliance with the Contract's terms and conditions.

Performance measures will include:

- Timeliness of inspection completion and report submissions.
- Completion of risk-based inspection procedures and protocols as outlined in the Mobile Food Vendor SOP.
- Quality and accuracy of inspection reports.
- Completeness of complaint and compliance investigation procedures as defined in Mobile Food Vendor Standard Operating Procedures at [Forms and Publications - Retail Food Establishments | Texas DSHS](#).
- Completeness and appropriateness of evidence and documentation through investigation and inspection procedures.
- Communication and rapport building with operators and stakeholders.
- Timeliness and accuracy of invoice submission to DSHS Consumer Protection Division.
- Compliance with training and competency requirements as designated by DSHS.

### **IV. INVOICE AND PAYMENT**

#### **A. INVOICE REQUIREMENTS**

Contractor shall submit to DSHS detailed and accurate invoice(s) to include the information

below. Each invoice shall be submitted by email, in the format prescribed by DSHS monthly and not later than 30 calendar days after completion of monthly inspections.

Invoices shall be submitted to:

[Invoices@dshs.texas.gov](mailto:Invoices@dshs.texas.gov) and [CMSInvoices@dshs.texas.gov](mailto:CMSInvoices@dshs.texas.gov)

The invoice shall include, at a minimum:

1. Contractor's name;
2. Remit to address;
3. Federal ID or Texas CPA Payee ID;
4. Accounts receivable telephone number;
5. Contract and/or Purchase Order number;
6. Identification of Services provided;
7. A detailed list of all inspections performed for the time period that includes:
  - Name of Establishment
  - File Number
  - Date of Inspection
  - Type of Inspection (i.e., pre-licensing, routine, monitoring/compliance, or complaint)
  - Address of Inspection
8. Service date(s).

No payment will be remitted under this Contract without submission of detailed, accurate invoices submitted as outlined above.

EMAIL: [invoices@dshs.state.tx.us](mailto:invoices@dshs.state.tx.us)

**B.** Performing Agency will be paid on a Fee-for-Service/Unit Rate basis and in accordance with the fee schedule listed in **SECTION III (C)** of this **ATTACHMENT A-3, THIRD REVISED STATEMENT OF WORK**. System Agency will make these payments monthly.

**C.** Inspection reimbursements will be based upon the following:

- **\$250.00** for the inspection of a Type I MFV;
- **\$350.00** for the inspection of a Type II MFV;
- **\$400.00** for the inspection of a Type III MFV; and
- Reimbursements as assigned in (1)-(3) for complaint investigations or monitoring/compliance inspections.
- Performing agencies will be reimbursed monthly; and
- Inspections will be completed by collaborative agreement agencies upon assignment by DSHS Retail Food Safety Operations and as required operationally.

**D.** System Agency will pay travel costs associated with the need to testify in escalated enforcement cases that result in administrative hearings or civil hearings if such testimony is requested by the System Agency. Travel costs may include:

- Mileage = approved state reimbursement rate;
- Lodging = State GSA rate;
- Flight/bus/car rental as required by system agency policy;
- Per diem = approved state rate;
- Other expenses as defined and required in System Agency travel policy.

## **V. DATA SHARING AND CONFIDENTIALITY**

Both parties agree to protect any confidential business information or personally identifiable data obtained during inspections as required under state or federal law. All data shall be used solely for public health regulatory purposes and shared in compliance with applicable laws and DSHS guidelines.

## **VI. EARLY TERMINATION DUE TO PERFORMANCE**

If System Agency is made aware of or observes complaints, inconsistencies, or poor performance regarding the Performing Agency's inspection process, inspections reports, and/or other communications with System Agency and/or Public Stakeholders, the System Agency can request a Corrective Action Meeting. the System Agency can request additional Corrective Action Meetings or terminate the agreement if additional issues persist. The Performing Agency will be able to reenter a collaborative agreement after providing documentation of actions that will be performed to correct previous issues or gaps in Performing Agency's implementation.