



June 19, 2018

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Report to the Mississippi Legislature

## A Compliance Review of Mississippi Department of Corrections' Food Service Delivery Contract: Follow-Up to Report #616



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## Synopsis

On July 1, 2016, Aramark began providing on-site management of the food service delivery program of the Mississippi Department of Corrections (MDOC), becoming responsible for food preparation and delivery to 22 correctional locations<sup>1</sup> throughout the state. "Management" includes supplying and preparing daily meals for inmates, maintaining kitchen equipment, and ensuring clean, safe kitchens and food preparation areas. With an estimated total value of approximately \$36 million, the contract will continue through June 30, 2019, with a one-time option for a one-year renewal that would extend the contract to June 30, 2020.

Under terms of its contract, Aramark is to provide and deliver three meals per day at each facility, with meals being nutritionally compliant with Recommended Dietary Allowances<sup>2</sup> at a capitated rate,<sup>3</sup> which differs depending on the type of correctional facility. The costs of the contract are to be offset by use of commodity programs<sup>4</sup> of the United States Department of Agriculture and through use of farm products produced by MDOC farms.

The contract requires Aramark to provide on-site management staff at all kitchen facilities during the hours of operation, as well as any warehouse and delivery personnel needed to ensure efficient and timely distribution of food. Furthermore, these employees are to be trained in correctional food services, and food service personnel are to be ServSafe<sup>5</sup> certified, as appropriate, if working in food preparation areas. In addition, Aramark must handle routine maintenance and service for kitchen equipment at the Mississippi State Penitentiary (Parchman), Central Mississippi Correctional Facility (CMCF), and South Mississippi Correctional Institution (SMCI) as well as for vehicles used in food service operations.

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<sup>1</sup>Mississippi State Penitentiary; Central Mississippi Correctional Facility; South Mississippi Correctional Institution; Youthful Offender Unit (YOU) located at CMCF; and 14 community work centers and four restitution centers located throughout the state.

<sup>2</sup>As approved by the Food and Nutrition Board, the National Academy of Sciences, the American Correctional Association, and the American Medical Association.

<sup>3</sup>A fixed amount per inmate paid in advance for services.

<sup>4</sup>USDA commodity programs offer food items, dependent upon availability, to state and local governments and some nonprofits at reduced or no cost to the recipient by either partial or complete reimbursement of the cost of the food items.

<sup>5</sup>A training and food safety program that certifies food service personnel through the ServSafe Food Protection Manager Certification Examination.

### ***Compliance with Staffing Requirements***

Aramark is not providing the staffing levels required by contract. PEER review of staffing levels at three prison facilities<sup>6</sup> revealed that Aramark had hired subcontractors for maintenance positions and had consolidated titles/duties into fewer positions than stipulated in the contract. In neither instance did the Mississippi Department of Corrections grant Aramark authority to alter its staffing obligations nor act to enforce the contract terms.

### ***Compliance with Training Requirements***

The contract stipulates that all new Aramark employees receive 40 hours of MDOC orientation training pertaining to MDOC policy and procedures during their first year of employment as well as inmate interaction safety training. However, Aramark provides new employee orientation in-house using its own instructional material. It does so without having received MDOC approval. In addition, the MDOC has not reviewed the material for comparison to its own training material to assess its appropriateness. Although the MDOC has the authority to bar any Aramark employee who has not received orientation training from the grounds of any correctional facility, the department has not exercised this authority.

Aramark has, however, met the terms of the contract that require employees at Parchman, CMCF, and SMCI to participate in 40 hours of MDOC-approved in-service training each year by providing safety, sanitation, and food-handling training.

### ***Compliance with Use of Reduced-Cost Food Programs***

The contract also requires Aramark to maximize the use of reduced-cost food programs, such as USDA commodity programs, and use of MDOC farm products when available to offset the costs of the contract (food products obtained through these sources are credited to the MDOC and reduce its payments to Aramark for food service delivery). The Mississippi Department of Corrections has sole responsibility to enter into and participate in these programs for its own benefit. However, since 2006, it has not participated in any USDA commodity program, and in recent years the production of food commodities on prison farms has declined, both circumstances potentially resulting in higher food service costs.

### ***Compliance with Nutritional Standards***

Under terms of the contract, Aramark is to provide and deliver three meals per day that meet acceptable nutritional standards. The contract requires that meals meet specified recommended

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<sup>6</sup>Parchman, CMCF, SMCI.

daily allowances for caloric and nutritional intake. An Aramark nutritionist reviews the caloric and nutritional value of the meals provided by Aramark at Parchman, CMCF, SMCI, the community work centers, and the restitution centers. However, Aramark staff reported instances of having altered meal menus. Furthermore, the MDOC does not have an independent nutritionist on staff or on contract to review menus for compliance with the standards required under contract terms.

### ***Compliance with Documentation Requirements***

Food facilities, such as those operating at the three main state prisons, are required by state law to obtain a food permit before they can begin operations. Permits are issued for a period of one year. However, the Mississippi Department of Corrections allowed Aramark to operate without having food permits (at least five months) because it did not require Aramark to submit proof of food permits in a timely manner. In addition, Aramark did not provide an emergency feeding plan, as required by the contract, to the MDOC until five months into the contract. Furthermore, details of the plan indicated that, should an emergency occur, the feeding plan would not go into effect until one week after the occurrence.

### ***Compliance with State Safety Standards***

Because the Mississippi Department of Corrections contracts out its food services, the prison kitchens and food service operations are subject to inspection. A health inspection includes observation and tests to ensure that the facility is abiding by Mississippi State Department of Health (MSDH) requirements for food storage temperatures as well as proper food handling and preparation practices and following proper sanitation and cleaning procedures. The MSDH also conducts annual permit renewal inspections.

The MSDH has conducted inspections at each of the three public prisons since Aramark's contract began on July 1, 2016: three at CMCF, three at SMCI, and six inspections at Parchman (where critical violations led to repeat inspections).

At Parchman, the MSDH closed one of two production kitchens approximately three weeks into the Aramark contract in July 2016 after finding poor conditions, repeated violations, and inoperable equipment. After the MDOC corrected the problems, the kitchen reopened in June 2017. However, the second kitchen was subsequently closed because of structural damage and equipment issues and now is used exclusively as a serving area. Aramark received a "B" for both kitchens during its permit renewal inspection in October 2017, and the MSDH inspector voiced concern about the seriously deteriorated condition of the floor in both kitchens and a significant amount of inoperable equipment that should have been marked as "out of order," in addition to a

large number of damaged or inoperable food warmers previously noted during inspection.

Aramark received an “A” on its original permit inspection at Central Mississippi Correctional Facility, on August 9, 2016, followed by a “B” in February 2017, and a “B” on its most recent inspection for renewal of its permit on September 14, 2017. The MSDH inspector voiced concern about the dangers of working on the seriously deteriorated kitchen floor.

For South Mississippi Correctional Institution, Aramark received an “A” for its original permit inspection on October 31, 2016, followed by a “B” on May 16, 2017, and a “B” during its permit renewal inspection on October 5, 2017. The health inspector expressed concern regarding the need to place out-of-order signs on inoperable equipment, leaking ceiling pipes, extensive corrosion of ductwork below the ceiling, and the dangers of working on deteriorating floors.

***NOTE: The information contained in the response that follows was self-reported. It has not been independently reviewed or authenticated in whole or in part. The response describes actions taken by the agency to address the conclusions and recommendations included in PEER Report #616.***



STATE OF MISSISSIPPI

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May 10, 2018

*Re: Response to the Legislative PEER 2017 Compliance Review of MDOC's Food Service Delivery Contract*

Recommendation No. 1 **Response:** All positions within Aramark are currently filled with the exception of two employees at SMCI and two at CMCF. The two at SMCI are awaiting background checks before hiring can be completed.

Recommendation No. 2 **Response:** It was never intended for Aramark's in-house training to replace MDOC's training. It was put in place to go more in depth of what Aramark requires of employees daily responsibilities. All Aramark staff members will continue to abide by MDOC's policy, 04-02-01, which requires contractors to attend MDOC's new employee orientation. There is currently one new employee at MSP and two new employees at SMCI that will go through new employee orientation on 5/16/18.

Recommendation No. 3 **Response:** Contact has been made with Mississippi Department of Health & Mr. Ray Horton inquiring about a dietitian to oversee the dietary allowances for each menu. No new menus have been put in place as of this date, 5/10/18.

Recommendation No. 4 **Response:** Although USDA has a program in place for charitable institutions, this does not imply to MDOC. The only items available to charitable institutions are bonus items and according to Mississippi Department of Education, none have been available in the last few years. Even though items have not been available, MDOC has requested an application to apply for any future bonus products.

Recommendation No. 5 **Response:** MDOC regulations and requirements for drug testing on food service contract employees and the emergency plans will be more specific and detailed in the next RFP. MDOC has reached out to other states such as Indiana and Virginia Department of Corrections requesting the penalty clauses that are in their food contracts. MDOC will implement a penalty clause into our next contract amendment or RFP, whichever comes first.

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