

A Compliance Review of Mississippi Department of Corrections' Food Service Delivery Contract

Executive Summary

Introduction and Background

On July 1, 2016, Aramark began providing on-site management of the Mississippi Department of Corrections' food service delivery program, responsible for food preparation and delivery to 22 correctional locations 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.

Aramark Compliance with the MDOC Food Service Delivery Contract

Under terms of the contract, Aramark is to provide and deliver three meals per day that meet acceptable nutritional standards to all inmates in MDOC facilities at a capitated rate¹ that differs depending on the type of correctional facility. The costs of the contract are to be offset by use of commodity programs² 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 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 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.

¹See Appendix B, page 21.

²USDA 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.

Staffing

Aramark is not providing the staffing levels required by contract. PEER review of staffing levels at three prison facilities³ 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 or act to enforce the contract terms.

Training

Although the contract stipulates that Aramark employees receive 40 hours of MDOC orientation training pertaining to MDOC policy and procedures, as well as inmate interaction safety training, Aramark is providing new employee training through its own in-house program.

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. 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.

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 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, the MDOC does not have an independent nutritionist on staff or on contract to review Aramark's menus for compliance with the standards required under contract terms.

Required Documents

In reviewing health inspection and permit records, PEER noted that the Mississippi Department of Corrections allowed Aramark to operate without having food permits (at least five

³Parchman, CMCF, SMCI.

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, and details of the plan indicated that it would not go into effect until one week after the occurrence of an emergency.

Aramark Compliance with State Safety Standards

The Mississippi State Department of Health 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).

Mississippi State Penitentiary at Parchman

The Mississippi State Department of Health 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 Mississippi Department of Corrections rectified these issues, the kitchen reopened in June 2017. However, the second kitchen was subsequently closed because of structural damage and equipment issues and is now used exclusively as a serving area. Aramark received a "B" for both kitchens during its permit renewal inspection in October 2017.

Central Mississippi Correctional Facility

Aramark received an "A" on its original permit inspection 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.

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 October 5, 2017.

Recommendations

1. MDOC officials should enforce the personnel staffing requirement provisions of the contract regarding maintenance personnel at each state prison. If Aramark continues to leave these positions vacant, the Mississippi Department of Corrections should exercise the penalty provisions of the contract relating to unfilled staffing positions to recoup unrealized benefits of the positions.

2. The Mississippi Department of Corrections should review Aramark's in-house orientation training materials to ensure that they meet employee safety training equivalent to what the department had previously provided. If it finds Aramark's in-house training satisfactory, the MDOC should grant Aramark, in writing, official permission to continue new employee training using its in-house materials.
3. The Mississippi Department of Corrections should seek the assistance of Mississippi Department of Health nutrition and dietetic staff prior to approving any new quarterly menus or ad hoc menu changes made by Aramark staff. If such assistance is not available, the department should consider contracting with an independent nutritionist/dietitian to conduct such periodic reviews.
4. As contemplated in the current food service contract and in order to reduce its food expenses, the Mississippi Department of Corrections should make application to and participate in a United States Department of Agriculture commodity program.
5. During the next available contract amendment period or contract negotiation, the Mississippi Department of Corrections should be more precise in contract terms, including, but not limited to, the following:
 - identify or reference specific MDOC regulations that detail the requirements, examinations, or drug testing expected of new employees—including subcontractors—in MDOC facilities;
 - specify a more expeditious emergency feeding plan commencement; and
 - establish an adequate penalty clause for noncompliance with reporting requirements.

For more information or clarification, contact:

PEER Committee
P.O. Box 1204
Jackson, MS 39215-1204
(601) 359-1226
peer.ms.gov

Representative Richard Bennett, Chair
Long Beach, MS

Senator Videt Carmichael, Vice Chair
Meridian, MS

Senator Lydia Chassaniol, Secretary
Winona, MS