

**GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED**

Minutes

October 29, 2003

F. Ray Power Bldg., Institute, WV

**Attendance:** Lee Dixon, Chair; Linda Maniak, Donna Lipscomb, Dennis Miller, Everett Sullivan, Karen Byrd, Exec. Secretary; Brenda King, DRS (via conference call); LuAnn Summers, DRS

**WVARF Staff:** Steve King, Craig Greening, Chris Miller, Ken Kennedy, Mary Jones, Jennifer Reynolds

**Visitors Present:** Mark Kessler, Tim Morris, Jack Holcomb, Sandy Poling, Bob McCoy, Carl Mayfield, Earl Smith, Marsha Allman, Bob Hanson

**Approval of Minutes:** Everett Sullivan made a motion that the minutes from the September 17, 2003 meeting be approved. This was seconded by Donna Lipscomb. Motion was approved.

Two new WVARF employees were introduced to committee members. Mary Jones, Administrative Assistant and Jennifer Reynolds, Coordinator of Communications.

It was announced that Jennifer Reynolds of WVARF will be taking a picture of the Executive Board for the Annual Report. She will be meeting with the printer next Thursday and if the picture can wait until the last minute, she will take another picture at the November 19<sup>th</sup> meeting so Brenda King can be included.

**Financial Report:** Brenda King reported a beginning balance of \$3,896.00. To date \$233.77 has been spent. All of this was due to travel. Total remaining is \$3660.23.

**Report of Chair:** Lee Dixon: Nothing to report at this time.

**Report of Executive Secretary:** Karen Byrd: Nothing to report at this time.

**Report of WVARF Executive Director:** - Steve King distributed the CNA Action Plan update for committee member's review. S. King also reported that the Annual Report for FY 2003 will be going to press very shortly. Some of the information was reported at the annual awards dinner held last week. Reporting criteria has not changed. The program continues to move forward. There is a record volume of sales and direct labor hours have increased along with wages. Wages have only been tracked for the past three years. This was not tracked for ten or eleven years prior to these past three. This information is very important and should continue to be tracked. The goal is to have this information to the printer & distributed

sometime next month. Upon completion of printing, it will be mailed to the Governor and the legislature.

**Contract Complaints** - Ken Kennedy reported the following:

One task from the committee to the CNA was to develop an improvement plan process. An improvement plan with three levels has been developed (see attachment labeled Draft #1 Customer Complaint Form and State Use Committee CRP Improvement Plan Process). K. Kennedy reviewed the process with committee members.

Questions concerning the following were asked:

1. Level 2, #2 regarding the meaning of staff takes the top 3 complaints. What if there were more? Hopefully any other complaints would have been taken care of in level one. Who is picked to take care of that? Staff with expertise regarding the issues will be chosen. Ken Kennedy, Craig Greening and Chris Miller are currently handling the issues surrounding the bottled water contract with Green Acres. The intention is for the WVARF staff to handle through level two. After that, the State Use Committee may be involved. If there is a large complaint a corrective action team may be put into place. If it is a trend of complaints this would bring WVARF into the action plan at level two and up to level three. Presently, WVARF is at level three, number 1 with Green Acres. They are looking at interviewing the customers in more detail. Once that is complete, they will talk to Green Acres and see what they report. Then WVARF would come back and make a recommendation.
2. Is there a database or documentation of complaints? This was started on July 1<sup>st</sup>. Would there be documentation from something from four or five years ago if needed? That could be found in minutes. Decisions were made by Leadership and State Use. Solutions and follow up were in writing.
3. Appeal rights? Guidelines for a grievance process do exist. Committee recommended that the process should include the fact that people have the right to grieve or appeal at any time.
4. Do CRPs around the state know that anytime anyone wants to make situation known, they can come to the committee? Committee members discussed the importance of letting people know we will listen to complaints at end of meeting. We don't have contact with CRPs and maybe they don't know they are encouraged to attend this meeting.
5. Does agenda go out to CRPS? Not routinely.
6. Do the CRPs know if they are on agenda for a complaint/issue? WVARF staff explained that when talking about customer complaints we are talking about state agencies. Grievance rights should also be extended to state agencies that have issues with the program. K. Byrd indicated that we need to be cautious about sending out the message that committee is willing to intervene on any and all

problems because that is the first responsibility with WVARF to gather the facts and work with the agency. Majority of time WVARF should be able to resolve problems. Committee should not be routinely stepping in. If CRPs have ideas of how to make the program better or want to express things it would be good to let them know they are welcome. Workshops don't receive agenda or schedule. The Committee recommended that at the beginning of year WVARF is to send out one notice 6 months at a time informing the vendors of meeting dates, times and agenda. S. King noted that it is difficult to send out the agenda since it is changing as late as the day before the meeting. Once the Web site is functioning this information could be posted there. D. Lipscomb indicated that this was one of the items on the action plan. Complaints could be sent to committee members via e-mail.

#### **Contract Presentation - New:**

##### **Non - Reoccurring State Use** (see handout)

Master Statewide contract has been published and distributed already. T-shirts and cartridges are moving toward statewide contracts. One of the added advantages of a master statewide contract is that state agencies are required by law to purchase from that. Need to spend more time and energy on statewide projects. The non-reoccurring State Use Projects Report should almost be nonexistent within 6 to 10 months. Statewide contract for new cartridges are for refills. When bids on cartridges were made, it was made clear that refills were not included. This is a big percentage of non-reoccurring items. WVARF is looking at a new process or new commercial partner for this project. Issues were raised regarding value added. Committee will have to set some guidelines such as is the work actually performed by persons with disabilities. L. Dixon reported receiving some calls from CRPs who were concerned in a positive way about going on statewide list. CRPs are concerned that contracts will be taken. Those contracts that are currently existing (and work is being performed satisfactorily) or generated on their own will be taken into account. It is not the intent of anyone to take away from those vendors already providing the work and reassigning it to another vendor. The master statewide contract addresses assigning contracts in respect to brand new things, it is to provide guidance. CNA can bid on any projects considered non-mandatory. Mandatory projects are what is covered by statewide contract and dictates to the agencies that they must go here first. Things that are not covered are not mandatory and the agency is not required to purchase from them. It informs the agency that they have to go through process like everyone else.

##### **Medical Examiners Office** (see handout)

After Oct 1 the medical examiners office moved from South Charleston to the west side on Virginia Street. Contract started last week. It is to provide janitorial service to DHHR at the \$1.50 rate. Right now it is all offices. This is the only new contract.

##### **Renewals:**

None

##### **Updates and Previews:** (see handout)

##### **Rest Areas**

There have been three changes with three different rest areas. There is a new rest area in Williamstown. This rest area has the same design as I - 68 - Hazelton. Do not know officially when it will open - SW Resources was assigned this contract. The two other rest areas at Mineral Wells will remain open. The new rest area will not be for truck traffic. It should open in the next 2 months or less. I-81 and the Huntington Rest area have a new restroom structure. All three rest areas are welcome centers. The buildings are small, but the grounds areas are large. Old rest area will be remodeled. Both buildings will need to be cleaned 40 hours per week. The Huntington rest area had 20 hours added. More individuals will be getting jobs. Lee Dixon made a motion to accept contract. Motion was seconded by Donna Lipscomb. Motion approved.

### **Old Business**

#### **WVARF Accounts Receivables (handout)**

As of the end of September the dollar amount over 60 days - \$172,000. Currently the dollar amount over 60 days is \$75,000 (this is as of October 28<sup>th</sup>). IS&C payment was received with the exception of \$3,000. The largest payment due is the rest areas at \$56,000. That is for three different rest areas. Chris Miller has a call in regarding this outstanding amount. Monthly invoices are submitted and he is not sure why payments were not made in a timely manner. September and October are usually bad months. All contracts are renewed July 1<sup>st</sup> and if the paperwork gets held-up at the state agency, it shows up in the "over 60" columns by this time of year. State agencies typically have a use it or lose it policy and payments are usually good in May or June. Workshops are being paid in arrears. This money has already been paid out. Discussion regarding the late payment act and that WVARF currently does not go this route because it is not usually very effective. Rest areas usually are not bad and are paid in a timely manner. In some cases, August and September has been paid and not July. The legal rights to collect money is in the Court of claims. There should be some kind of penalty. State agencies don't like going to court of claims. Discussion regarding the late interest fees and if they are claimed by CRP or CNA was held. Since WVARF has initiated the 60 days payment agreement, WVARF makes the payment to the CRP whether the payment has been received or not. This would then allow WVARF to receive the money.

**Legislative Rule on Participation** - Donna Lipscomb apologized and indicated she has not had chance to pull up code and check it. Will print out new version and bring next meeting.

**DHHR Warehouse/fulfillment contract follow-up** - Craig Greening reported no new information.

**Master State wide contract follow-up** - Karen Byrd reported that this was done and distributed. The contract was automatically sent to state agencies and made available to political subdivisions. Hopefully this will help with marketing.

**Update on Presort Surplus Distribution** - Steve King indicated that Brenda King had requested this be on the agenda. Brenda King reminded committee members that a request had been made to WVARF to provide an official report of the distribution of funds along with an explanation regarding how the funds were utilized. WVARF made available a handout which included a listing of CRP programs who received distributions. It was noted that nothing had been brought to committee about where money was distributed and what the funds were utilized for. Steve King indicated that when the funds were distributed directions were not included. Donna Lipscomb reminded Steve King that this was because the funds were distributed by WVARF before the committee knew about it. Money was distributed to Association members only. CRPs who were not members but providing State Use services did not receive any of these funds and CRPs not providing State Use services but were members of WVARF did receive money. The committee has a duty by code to monitor the CNA. If the proposed rules are adopted this may alleviate problems in future. Northwood Health Systems is not a member but they have 3 State Use janitorial contracts in New Martinsville. East Ridge did not receive any money although they provide State Use and are members of WVARF, but just happened not to be a full member at the time. The Committee had requested that WVARF contact each vendor who had received funding and have them provide an accounting of how the money was used for a state use project or in obtaining a state use project. Steve King indicated that the letter has not been sent out by WVARF requesting this. The committee recommended that this information be collected and provided to the members at the next meeting. Each vendor (who was a member) received \$8,148.63. Two CRPs (one being a member and one not being a member) that provide State Use services did not receive payment. Donna Lipscomb felt that WVARF needed to pay the same amount to each of these vendors reminding the Committee that Association member or not, they are still employing people with disabilities with assistance from the state use program which is the part the Committee has to deal with. After discussion and agreement of the members, Brenda King made a motion that the CNA be directed to inform CRPs that we need information and accounting regarding the use of the June distribution from the Presort contract as it relates to state use programming or development of state use. Motion was seconded by Donna Lipscomb. Motion was approved. Further lengthy discussion regarding the two vendors that did not receive the funds, should these members receive these funds, association member verses non-member, benefits of being a member, membership not being related to qualifying to provide State Use Services, the importance of vendors not being penalized if they are not members of WVARF, should this be left as is since there was a misunderstanding or should money which was kept aside be sent to the two workshops who provide state use but membership was in question, etc. Chris Miller verified that \$60,000 has been set aside from June forward as directed in an earlier motion passed by the committee. Donna Lipscomb made a motion that CRPS who are not members of the association but are providing State Use Services get an equal distribution from funds set aside July 1. The Committee cannot require them to be members. Motion was seconded by Brenda King. Motion was approved. Everett Sullivan voiced his disagreement, but didn't vote against it.

**Procedural Rules on CNA** - Donna Lipscomb reported that she had made a few minor revisions that were more related to wording issues. Dennis Miller had a couple of questions. Section 186-5-4 of the action plan does not address financial controls/goals. Committee agreed to add #8 financial controls. Section 186-5-11 - discusses the annual review of program fees but has no timelines. WVARF reports that usually in late January & February budget planning begins. The Budget would need to be provided by the CNA first. WVARF and the CNA need to vote on budget in April then bring to the Committee in May. During January meeting Committee should decide on fee to make sure their budget reflects this. CNA will provide the budget to the Committee on or before May meeting.

In section 186-5-10 it reads services provided through the provisions of the state use program through the CNA shall be rendered impartially to all CRPs approved by the Committee, without regard to membership status in the West Virginia Association of Rehabilitation Facilities, Inc; or any other association. Why do we have to address without regard to membership status? The committee's qualifications require they employ persons with disabilities at least at a 75% ratio. Our qualifications do not have any bearing on whether they are WVARF Association members. The only requirement is the vendor must be an acknowledged vendor of the Division and that they are approved by the Committee. A recommendation was made to amend the statement to say without regard to membership status in any association. Donna Lipscomb feels there is a conflict with WVARF being CNA. She requested a listing of approved vendors to see how many of those vendors are WVARF members. WVARF does not use the fact that they are the CNA to get members. Law doesn't mention being a member of WVARF. The definition is silent in the law. The committee does not want to send out a message that being a member is not beneficial for other reasons but yet the committee does not want to send a message that may mislead an individual to think you must be a WVARF member to get state use.

Everett Sullivan made a motion the procedural rules be approved. This was seconded by Brenda King. Approved as amended.

Donna Lipscomb will take the document back and make amendments discussed today. She will then let the CNA e-mail to committee members to confirm that they are in agreement before filing the document with the Secretary of State. There is a 30 day comment period.

The committee then went into closed session for committee members only. Visitors and WVARF staff were asked to leave. It was requested that Karen Byrd, a non-voting member stay for the closed session.

Linda Maniak left after closed session

**Presort Grievances** - Lee Dixon reported the following:

The Committee Members will meet in Executive Session before the next regularly scheduled meeting and take the grievances and go through them point by point. The committee will then make a decision on how to proceed. An announcement will be made regarding the results of the meeting at their next regularly scheduled meeting.

### **New Business**

Ratio report for FY 2003 - Craig Greening

Clay County's ratios are very low. Craig Greening indicated that this was related to an inherited rest area from Shawnee Hills in which the disability documentation was missing. Donna Lipscomb asked if documentation is received can CNA go back and correct the data. Craig Greening indicated that he did not know if it could be corrected, but could be noted. Nicholas County data was low also. Data collected quarterly. Problems have been corrected and no action taken against them. Craig Greening indicated that letters of correction do not give time frames for the correction to occur. Discussion regarding whether the committee needs to follow-up, should the CNA do counts more often, the Federal guidelines requires 75%. It was felt that the State program was more stringent because of interest of legislature. Committee recommended that after the CRP is given a plan of action, WVARF should provide a report to the committee.

### **Annual Planning Meeting**

At last year's November meeting, the committee took on the task of developing a plan for the Committee which becomes a plan for the CNA. Planning activity is very important. The November meeting can not be devoted entirely to planning. After a lot of discussion on different dates which the planning meeting could be held, Everett Sullivan made a motion that there be a planning meeting on December 15, 2003 at 9:30 a.m. in the small conference room. The motion was never seconded or approved.

### **State Use Budget** (see handout)

Current action plan with activities includes an item about providing the committee a state use program budget. This handout will be used as starting point for planning. Goal was set to be provided at this meeting in anticipation of next month being the planning meeting. After review of handout the following directives were given:  
Budget line items are to be broken down  
Copy of audit is to be provided to the committee

Lee Dixon committee chair opened the floor to the visitors.

Bob McCoy asked since a schedule of the Committee meetings was being made available to CRPs, could CRPs get copies of meeting minutes? Once web site is functional (hopefully by March) this information will be provided there however in the meantime Steve King agreed to send e-mail with attachments to CRPs who request this. Donna Lipscomb added that they be approved meeting minutes.

Could the members receive a copy of the planning meeting's last year's goals and what has been met? WVARF will do a distribution on e-mail.

In 94 or 95 a complaint about the microfilm contract was received. This contract was being done by two workshops – Preston County Workshops and Precision Services. That complaint was handled by the WVARF executive committee and a decision was made to pull the contract from Preston County and reassigned that portion to Precision Services. Mr. McCoy only wanted to share this information with the Committee so they will know WVARF is able to police itself.

During a discussion of money Bob McCoy thought he heard an inaccurate comment and wanted to clarify that the CRP doesn't pay the 4.1%, the purchasing agency does. The Committee understands that.

Mark Kessler wanted to confirm that a decision may not be made regarding the assignment of the presort contract until the November 19 meeting. A decision regarding how to handle the grievances will be made but the actual assignment could be later depending on the decision of how to handle the grievances. Mr. Kessler asked if the grievances are public information. By having the information ahead of time it would help with response preparation should a response be required. Karen Byrd assured him that CRPs will be given time to prepare a response. These documents are public information. When final everything is public. Protest filed cease and desist until resolved. WVARF will provide copies

Sandy Poling wanted the committee members to know that Taylor County Workshop was one of the programs that received the distribution of funds and Taylor County does not have a state use contract. The state use contract they did have was pulled and given to a WVARF employee. Craig Greening reminded committee members that he had discussed this issue with them when it had occurred.

Lee Dixon made a motion to adjourn. This was seconded by Everett Sullivan. Motion approved.

Respectfully submitted by:



Beverly Shamblin  
Secretary I  
Program & Policy Unit  
WVDRS