

# **Minutes of the West Virginia Governor's Committee for the Purchase of Commodities and Services from the Handicapped**

**September 9, 2015**  
**Governor's Cabinet and Conference Room**  
Charleston, West Virginia

The West Virginia Governor's Committee for the Purchase of Commodities and Services from the Handicapped met on Wednesday, September 9, 2015 at the Governor's Cabinet and Conference Room at 10:01 a.m. Chairperson, Kim Nuckles called the meeting to order and welcomed everyone. Jan Smith and Becky Howard are attending via telephone.

Present at the Meeting: Chairperson Kim Nuckles; Committee members: Everette Sullivan, Jan Smith, Becky Howard, Douglas Auten, Chris Weikle, Mark Totten and Carol Jarrett, Recording Secretary.

Aaron Jones and Roy Woodard are present representing the Central Nonprofit Agency (WVARF).

Guests present: Bob Paulson, Department of Administration; Megan Cobb, Department of Administration; Susannah Carpenter, Department of Administration; Joyce Birley, Goodwill Industries of Kanawha Valley.

Ms. Nuckles mentioned that Mark Totten has graciously prepared a flyer that basically says the Governor's Committee for the Purchase of Commodities and Services from the Handicapped has a new home on the web and it is [gpcsh.wv.gov](http://gpcsh.wv.gov). Copies of the flyer were handed out at the meeting and a copy will be emailed to Jan Smith and Becky Howard.

## **APPROVAL OF MINUTES**

Approval of Minutes of the June 17, 2015 meeting.

### **MOTION #1**

**Mr. Sullivan moved, seconded by Doug Auten, to approve the June 17, 2015 meeting minutes. Motion passed.**

Approval of minutes for the June 29, 2015 emergency meeting.

Ms. Smith, I have a correction and I had mentioned it in the meeting that the minutes read review Fair Market Price (FMP) that WVARF failed to provide. Actually it wasn't the WVARF office that didn't provide those it was WVARF membership that didn't provide them to WVARF and it reflects negatively on WVARF and that is not what the hold-up was so that needs to be corrected.

Ms. Nuckles, Jan I am looking at the June 29<sup>th</sup> minutes, where does it say that?

Ms. Smith, it is the 3<sup>rd</sup> line, review FMP forms that WVARF failed to provide to the Committee.

Ms. Nuckles, and you are recommending it say what?

Ms. Smith, that WVARF membership failed to provide to WVARF. It looks like WVARF didn't do their job but it was really the CRPs. The CRPs didn't provide to WVARF.

## **MOTION #2**

**A motion was made by Mr. Sullivan and seconded by Mr. Auten to approve the June 29, 2015 emergency meeting minutes with that correction. Motion passed.**

Ms. Nuckles, the next item on the agenda is the FMP modification for the Developmental Center and Workshop, Inc. which is the custodial grounds for the Division of Highways (DOH) rest area in Marlow, Bunker Hill. Do I have a motion and are there any questions/discussions, etc.?

Mr. Auten, would you go over the changes again to see what exactly the modification to the contract was.

Ms. Nuckles, if Aaron could explain this modification to us that would be great.

Mr. Jones, the I-81 truck stop is located in the Eastern Panhandle and it is a new facility. Originally we thought it was right next door to the Marlow, Bunker Hill rest area, but in researching it and at the request of the Developmental Center they asked that it be separated. It is approximately seven (7) miles from the facility that they are currently cleaning which we had included in the original contract. In the process we originally quoted enough hours for them to go there and clean three times a day or take a person on their staff down to do that part of it. In the process and again the Developmental Center asked that it be broken out because once we got into it the DOH was asking for mowing, trash pick-up and just asking for a lot more than what we put into the contract. So we pulled that part of the contract out and that is the difference. The modification goes back to just the Marlow, Bunker Hill rest area which is what that contract will include. The I-81 will be presented at our next meeting due to the fact that with the changes requested by DOH + the fact that we may get a new contract, we put out as a Request for Information (RFI) and we actually had three (3) CRPs interested in taking care of that truck stop for us. The contract coming forward will also include mowing

equipment, cleaning supplies, etc. We put in the original contract hours to clean and the next contract will include mowing, cleaning supplies, and trash pick-up. We would have had that for today but we have to give them a time period to let CRPs respond to the RFI so we have the responses and we will be presenting that at the next meeting. It is less work so that is why the rate went down.

Ms. Nuckles, do I have a motion to approve the FMP modification for the Developmental Center Workshop for custodial grounds for the (DOH) rest area in Marlow, Bunker Hill?

**MOTION #3**

**Mr. Auten moved, seconded by Mr. Sullivan to approve the FMP modification for the Developmental Center Workshop for custodial grounds for the Division of Highways rest area in Marlow, Bunker Hill. Motion passed.**

**OLD BUSINESS:**

Mr. Sullivan, what about the collections?

Mr. Jones, we are still having those issues but we are working with Department of Health and Human Resources (DHHR) as they were our largest agency that was in arrears and last week they processed numerous invoices and they are in the Auditor's office right now. We have some DOH invoices that are getting some age on them and we are working on those on a daily basis trying to get those caught up.

Mr. Jones, I think everybody understands the process better and it is just a matter of getting caught up. We had to borrow \$550,000 to try to keep our CRPs paid and we did that about the middle of July. The CRPs do have some issues. I was looking at those and sometimes they are late 7 - 15 days over the 60 days but I am doing my best to keep everybody under that 60 day period and sometimes it may go to 75 days. As the money comes in I'm turning it over and sending it right back out as quickly as I can.

Mr. Sullivan asked do we only have \$500,000 on our line-of-credit?

Mr. Jones, we have \$450,000 left on the line-of-credit right now.

## **NEW BUSINESS**

Mr. Auten, there is an issue occurring right now at the Federal level with the set aside program and lots of publicity going on and lots of accusations of fraud being thrown around with that program. The part that concerned me a little was that they are now going into the CRPs that are involved in the Federal program. A raid was conducted of Goodwill in Tennessee yesterday. One of the issues that I hear in those news reports is that they are not really employing people with disabilities in some of these contracts. I have no way of knowing if that is actually the case and they are in the middle of an investigation.

I think it just behooves us to pay attention to that issue and I would ask WVARF to also pay extra attention to that issue as they are working with their CRPs to verify how the employment is constituted in the various contracts to make sure that at least, I believe it is a 75% requirement of the law of those individuals are people with disabilities that are clearly verified as people with disabilities.

It is interesting because from my perspective with the Division of Rehabilitation Services (DRS) and what the Federal law that governs us is stressing, is to not have groups of people with disabilities working together but to have people with disabilities intergraded with the nondisabled community in their jobs. So we are saying to our CRPs from our end when they do employment placements through us and with us that we don't want them in settings where it is mostly people with disabilities and in our program and in this program we have a minimum of 75% required of them to be people with disabilities. I get concerned that the CRPs feel like they are getting this mixed message from our various programs as to – do you want people with disabilities or do you not want people with disabilities. For the benefit of our Committee and our purpose we just want to be sure that we are meeting those 75% requirements on those contracts and I have no reason to think we are not but with all that is happening at the Federal level we certainly don't want that to trickle down to anything that we are involved with.

Ms. Nuckles, if anyone in this room has not been following that story or wants me to get them on an email chain or forward anything, I am happy to do that. The DRS folks are great about sending me things as it happens so I will know what is going on. I will forward to both Everette and Becky.

Mr. Sullivan, I think we have really been cautious about the 75% requirement of disabilities and I don't know of any area that has been lacking.

Mr. Auten, in their Annual Report WVARF has indicated that we are clearly meeting it in terms of what is being reported. My caution is when you read these stories you get into the words that they are using and what they are saying at the Federal level is that these are supposed to be individuals with significant disabilities and they use that terminology. I just want us to pay attention to that because we work as an agency with all individuals with disabilities but not all of them have significant disabilities.

Mr. Sullivan, what is the difference?

Mr. Auten, I don't know what they are referring to or how they are classifying them. I don't have an answer to tell WVARF as to what they have to look for. Often times especially for jobs that have a lot of skill requirements and judgement requirements to them and when you think of some of the jobs when they are done through the program in placing people out as maybe the only employee working a shift in a rest area somewhere, you have to be careful about the people you hire for those jobs. While they may have a disability it might be looked at as not a significant disability in terms of some other entity coming in and looking at that. I just think we need to pay attention to that issue and be overt in saying our CRPs need to meet that 75% significant disability in these contracts as best we can judge that. With DRS if they are working with one of our contracts we classify as most significant, significant or non-significant. So they will know how we are classifying them when they are working with us; however, not all those placements are coming through Division of Rehabilitation Services (DRS). They pick up individuals from other direct referrals or from other sources that may not come through us.

I just want us to be aware and I want them to be aware that this might be a concern of others that might look at the program. Pay attention to that issue as they are doing hiring and placements. In some cases they can hire people that don't have disabilities or that have less than significant, just try to keep that at 75%.

Mr. Sullivan, do you have guidelines of how you determine the three classifications?

Mr. Auten, yes we do and it is very much prescribed in our eligibility criteria.

Mr. Sullivan commented that information may be helpful if WVARF had that as that could be useful to them.

Mr. Auten, I will send to Kim and she can share that with them.

**MOTION #4**

**A motion was made by Mr. Sullivan, seconded by Mr. Weikle to adjourn. Motion passed.**

**WVARF Meeting Dates for 2015:**

October 21, 2015, Regents Room  
November 18, Regents Room  
December 16, Regents Room