

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

April 16, 2025 Meeting In Person and Telephonic from Room E-131 Capitol Complex Building One Charleston, West Virginia

The West Virginia Governor's Committee for the Purchase of Commodities and Services from the Handicapped met Wednesday, April 16, 2025 in Capitol Complex Bldg. 1, Room E-131, Charleston, West Virginia, at 11:00 AM. Chairperson Kim Nuckles called the meeting to order.

Present at the Meeting or by telephone: Chairperson Kim Nuckles, Committee Members Aaron Topping, Glenn McEndree, Jerry Boyco, John Hyre, and Executive Secretary Mark Totten.

Nita Hobbs, Andrea Higginbotham, Morgan Hassig, Jessica Osbin, Dathum Cummings, and Misty Mayville were present representing the Central Nonprofit Agency (WVARF, Inc.) in person or by phone. Daniel Hall of Access Strategies, LLC, was present by phone for WVARF, Inc.

Jack Holcomb and Rachel Barrow were present representing Precision Services, Inc. Travis Kline and Zach Sandy were present representing The Job Squad, Inc. Eric Freeman and Tammi Morgan were present representing The Op Shop, Inc. Dreama Padgett was present from Integrated Resources, Inc. David Mitchell was present from Goodwill Industries of Kanawha Valley, Inc. dba Goodwill Industries of the Summit. Earlene Anglin was present from Green Acres Regional Center, Inc. dba Lesage Natural. Jessica Hicks was present from Lillian James Learning Center, Inc.

John Davidson was present by phone as a member of the public.

MEETING MINUTES

Draft minutes of previous meetings were sent for committee review. Glenn McEndree requested hard copies of the draft minutes, which were provided by Mark Totten. Minor corrections were suggested. Additionally, Mr. McEndree suggests including less detail in future minutes. Jerry Boyco adds that his meeting attendance by phone was not noted in the draft minutes, which was then noted pending the final version. Mr. McEndree makes a motion to approve the meeting minutes pending the modifications mentioned. John Hyre seconds the motion. The motion passes.

ITEMS FOR DISCUSSION

1. The 2024 annual report from the Central Nonprofit Agency (WVARF, Inc.) is submitted for discussion. Chairperson Kim Nuckles asks the Committee if they have any questions about the report.

2. The Central Nonprofit Agency (WVARF, Inc.)’s Auditor’s Report is submitted for discussion along with related financial statements. Chairperson Nuckles asks the Committee if they have any questions about the material. Mr. McEndree asks WVARF, Inc. if there is anything the CNA wants to draw attention to; Ms. Nuckles adds the CNA can also point out anything they want to send to the West Virginia Purchasing Division. Nita Hobbs of WVARF, Inc. points out the company’s “allowable bad debt,” stating the business reflected an accounting loss in 2023-2024 following a reduction in accounts receivable after state procurements from CRPs through the CNA (WVARF, Inc.) were made non mandatory in state law.
3. Chairperson Kim Nuckles reviews the legislative rule sections about the Committee’s responsibilities, including transparency goals. Specifically, Ms. Nuckles discusses requirements in *West Virginia Code* §5A-3A and the *West Virginia Code of State Rules* §186 regarding what the Committee should be doing, such as determining performance standards. Ms. Nuckles indicates she does not want to give the Committee too much workload, then indicates her new role at the West Virginia Office of Technology is requiring her to ask the Committee’s members to share in the workload of handling Committee tasks.

Ms. Nuckles initiates a discussion and asks 2-3 members of the Committee to help establish performance standards that will help the Committee and the Central Nonprofit Agency. Mr. McEndree indicates he will volunteer his time toward this effort, and asks the Central Nonprofit Agency (WVARF, Inc.) if they could develop a skeleton of what they think should be done and bring it to the Committee. Ms. Nuckles points out that the legislative rules require the Committee to set these standards, whose goal is to empower persons with disabilities. Ms. Hobbs of WVARF, Inc. states the requirement for setting performance standards needs clarification, but that they are willing to collaborate. Ms. Hobbs states that part of what the Central Nonprofit Agency does is monitor Community Rehabilitation Programs (CRPs) and that already includes performance metrics. When Ms. Hobbs asks what the Committee would like to see as performance metrics, Ms. Nuckles indicates she may correspond with the Committee in the coming weeks asking for draft bullet points.

Ms. Hobbs of WVARF, Inc. states there are new initiatives within the Central Nonprofit Agency both in and outside of the “state use” program.

Chairperson Nuckles discusses the Committee’s overseeing of the Central Nonprofit Agency (WVARF, Inc.)’s program fee and guidelines for contracts. Ms. Nuckles specifically asks how the Committee can be harnessed to empower persons with disabilities, saying there will need to be a team effort from members.

4. The searchability of the Committee website in Internet search engines is discussed, with Mr. McEndree indicating he could not find the page until Ms. Hobbs of WVARF, Inc. sent him the link. Mr. Totten indicates he has been communicating with Google and working on the website’s code with the goal that it will be indexed by this major search engine.

5. Ms. Hobbs of the Central Nonprofit Agency (WVARF, Inc.) indicates she sent a letter to the Committee regarding West Virginia Legislature subcommittee hearings where she testified attempting to get the mandatory use of the Central Nonprofit Agency (WVARF, Inc.)'s contracts restored in state law. As indicated by Ms. Hobbs, one of the comments during the hearings included the CNA is not paying invoices to Community Rehabilitation Programs (CRPs) in a timely manner. Ms. Hobbs states she is not comfortable with these types of comments. Mr. McEndree asks if WVARF, Inc. has reported this grievance, with Ms. Hobbs responding that she was unaware. Mr. McEndree asks what paperwork exists regarding this issue. Chairperson Nuckles indicates that Earlene Anglin of Green Acres Regional Center, Inc. dba Lesage Natural can speak to this question.

Ms. Anglin indicated that, dating back to their former director's time, Green Acres Regional Center, Inc. dba Lesage Natural has experienced chronic payment problems for orders delivered to the state. Ms. Anglin states that she used to think the problem was with the state agencies, but since becoming director, she has learned the issue does not originate with the state. Rather, Ms. Anglin states that the Central Nonprofit Agency informs them that her CRP "would get payment when they get payment," reading multiple emails from Kimberly Nichols of WVARF, Inc. citing the Central Nonprofit Agency's inability to pay Green Acres Regional Center, Inc. dba Lesage Natural as a result of funding issues or reporting longer disbursement times for payments on commodities delivered to state agencies. Ms. Anglin states these payment problems were part of her own testimony to the West Virginia Legislature's subcommittee. Ms. Anglin adds there is a "terrible relationship" between Lesage Natural and WVARF, Inc, but that she wants to change that as the CRP director. Furthermore, Ms. Anglin indicates that such changes are hard as a small non-profit organization without money for a lobbyist or Certified Public Accountant (CPA), in contrast to the Central Nonprofit Agency. Ms. Anglin elaborates on the difficulty a CRP has when invoices do not get paid; feeling it was important to carry on the business for the 40 employees with disabilities employed by Green Acres Regional Center, Inc. dba Lesage Natural, the CRP will not be renewing their contract with WVARF, Inc. as of June 30, 2025.

Chairperson Nuckles indicates there is more history to this matter than she realized, stating it is difficult to determine where a situation like this started. Ms. Nuckles indicates the state's new Purchasing Director is focused on fixing problems, and that going forward, all parties should operate on good faith, adding that we all want people to continue working. Ms. Nuckles emphasizes that Governor Morrissey has tasked state agencies with finding efficiencies and that we all want this program to flourish. Ms. Hobbs of WVARF, Inc. states that she cannot speak about previous leadership of the Central Nonprofit Agency, but that she has no animosity toward Green Acres Regional Center, Inc. dba Lesage Natural. Ms. Hobbs adds that the Central Nonprofit Agency tries to make payments to CRPs within 40-45 days of commodity delivery, however, says that payments from the state to WVARF, Inc. are dependent on state employees with holiday schedules, which often pushes the CNA's payments to CRPs to 60 days.

Ms. Hobbs of WVARF, Inc. states that quarterly meetings of the Committee would help identify these issues. Andrea Higginbotham of WVARF, Inc. states that none of these

issues were brought to the Committee in proper procedure and wants to address that. Mr. McEndree reads from the state code regarding the Committee's grievance procedures. Ms. Nuckles asks Mr. McEndree if he would step up as the Committee's contact person for grievances; he replies that he does not want to get involved in day-to-day tasks, but that maybe the payment issue should have come up sooner. Ms. Nuckles asks if there are any comments from phone attendees or more discussion related to the Lesage Natural contract.

FAIR MARKET PRICE MODIFICATION FORMS

6. Two (2) Fair Market Price Modification Forms for SW Resources, Inc. and Job Squad, Inc. for janitorial services.

Ms. Nuckles thanks the Central Nonprofit Agency for the included detail that can be forwarded to the West Virginia Purchasing Division. Ms. Hobbs of WVARF, Inc. indicates they are open to process suggestions. Ms. Higginbotham of WVARF, Inc. echoed that the CNA tried to submit all information needed by the Committee and Mark Atkins at the Purchasing Division, adding that the CNA modified the FMP form to include a separate price if a state agency is payment by state Purchasing Card. Reviewing the forms, Ms. Nuckles indicates that her copies of these FMP forms lack signatures; Ms. Higginbotham responds that WVARF, Inc. may have sent the documents' unsigned version. Ms. Nuckles asks if the Committee has questions.

John Hyre makes a motion to approve; seconded by Jerry Boyco. Items voted on and approved by Committee (2 forms). Ms. Nuckles states that Ms. Higginbotham will deliver the document version with signatures.

7. Seven (7) Fair Market Price Modification Forms for Bright Horizons, Lillian James Learning Center, Inc., Hancock County Sheltered Workshop, Inc., SW Resources, Inc., Preston County Workshop, Inc., Precision Services, Inc., Goodwill Industries of KYOWVA Area, Inc., and Integrated Resources, Inc. for bottled water and associated accessories.

Ms. Nuckles asks the Committee if there are any questions. Ms. Nuckles asks for a motion to approve.

Glenn McEndree makes a motion to approve; seconded by John Hyre. Items voted on and approved by Committee (7 forms).

COMMODITY OR SERVICE PRICING FORMS

8. Eleven (11) Commodity or Service Pricing Forms for bottled water and associated commodities.

Ms. Nuckles notes the attached sheets for CRPs. Ms. Nuckles asks if the Committee has any questions. Ms. Nuckles asks for a motion to approve.

Glenn McEndree makes a motion to approve; seconded by John Hyre. Items voted on and approved by Committee (11 forms).

FAIR MARKET PRICE MODIFICATION FORMS

9. Forty Four (44) Fair Market Price Modification Forms for Job Squad, Inc. for clothing items.

Ms. Nuckles notes the attachments. Ms. Nuckles asks if the committee has any questions. Ms. Nuckles asks for a motion to approve.

John Hyre makes a motion to approve. Motion is seconded by Jerry Boyco. Forms voted on and approved by Committee (44 forms).

10. Seven (7) Fair Market Price Modification Forms for Job Squad, Inc. for flags and associated accessories.

Ms. Hobbs of WVARF, Inc. indicates these are American-made flags. Ms. Nuckles asks for a motion to approve.

Glenn McEndree makes a motion to approve. Motion is seconded by Jerry Boyco. Forms voted on and approved by Committee (7 forms).

11. One (1) Fair Market Price Modification Form for Job Squad, Inc., for warehousing/storage rental.

Ms. Nuckles asks for a motion to approve.

John Hyre makes a motion to approve. Motion is seconded by Glenn McEndree. Form voted on and approved by Committee (1 form).

OLD BUSINESS

Chairperson Nuckles suggests that three Committee meetings per year is more appropriate than quarterly meetings. Ms. Nuckles asks the Committee for a discussion, especially if there is going to be establishment of performances standards. Mr. Hyre asks if the Committee met three times per year, could a meeting be scheduled in between, when needed. Ms. Nuckles responds affirmatively. Mr. McEndree indicates we should not have meetings for the sake of having meetings, but agrees the Committee should meet more often. Ms. Nuckles asks what his preference would be; Mr. McEndree responds every three or four months is appropriate. Ms. Hobbs of WVARF, Inc. suggests it might be in legislative code for the Committee to meet monthly; Ms. Higginbotham of WVARF, Inc. states she would rather have a set meeting schedule. Mr. Hyre suggests meeting every four months. The representatives from WVARF, Inc. respond affirmatively. After asking the group, Ms. Nuckles sets a meeting date for September 2025.

NEW BUSINESS

Mr. Boyco asks what is the next steps for today's Committee-approved forms, asking if the meeting will make a difference. Ms. Nuckles states the next step in workflow is to send the signed forms to the Purchasing Division. Ms. Boyco responds that is fine; Ms. Nuckles discusses positive changes at that agency thanks to Purchasing Director Samantha Willis, and that if Director Willis has any questions, she will reach out to the Committee. Ms. Hobbs of WVARF, Inc. offers that state code says prices are reviewed by the Committee and sent to the Purchasing Director for approval, adding that Mr. Boyco made a difference by helping WVARF, Inc. move forward with price increases.

Mr. McEndree asks about an initiative launched by the West Virginia Purchasing Division and Governor's Committee to assist Community Rehabilitation Programs (CRPs) identify their available commodities to state agencies, stating that the Committee had not had a meeting prior to this information's distribution. Ms. Nuckles answers that the information about state agencies procuring directly from CRPs has been available for several years, but the state wanted to make that more transparent. Mr. McEndree expressed confusion on how the Committee had interest in the announcement; Ms. Nuckles stated that she requested the Purchasing Director take mention of the Committee out of the initiative to eliminate confusion. Mr. McEndree stated he didn't know the initiative's origins. Ms. Hobbs of WVARF, Inc. asked if information was going to be published detailing what would be required of CRPs selling commodities directly to state agencies. Mr. McEndree expressed his view that the Committee's goal is to help, not to monitor, the CRPs, and resolve any issues. Ms. Nuckles echoed that the Committee wants to be helpful, with Mr. McEndree responding affirmatively.

Jessica Hicks of the Lillian James Learning Center, Inc. expressed that their biggest concern was being approached by the Central Nonprofit Agency to change their water supplier to Tyler Mountain Water Company, Inc.; stating their board of directors voted to stay with the CRP Lesage Natural. Following that, Ms. Hicks indicated their CRP was told they would lose their state contract. Ms. Hicks asked if their CRP would be allowed to keep purchasing water from Lesage Natural and stated they do not want to lose any state contracts as a result. Ms. Hobbs of WVARF, Inc. indicated that since approvals just went through, the CRP's margins should increase, adding that there was a meeting with water suppliers and Ms. Hicks was not there. Ms. Hicks indicated she had responded that she would be out of the office at the time of the meeting; Ms. Higginbotham of WVARF, Inc. disputes that she responded, adding that who Lillian James Learning Center, Inc. uses as their private contractors is the CRP's business, not the CNA's. Ms. Higginbotham added that Lillian James Learning Center, Inc.'s state contracts are with WVARF, Inc., so the pricing will be based on the Tyler Mountain Water Company, Inc.'s supply. Ms. Hicks repeats the question about whether the Lillian James Learning Center, Inc. would have to purchase their water from Tyler Mountain Water Company, Inc. Ms. Nuckles suggests the parties have a sit-down meeting; Ms. Hobbs of WVARF, Inc. states she will reach out to Ms. Hicks for a visit.

Chairperson Nuckles asks if any CRPs have a statement for the Committee.

Travis Kline of The Job Squad, Inc. states that the leadership of WVARF, Inc. is the best he has seen under Ms. Hobbs' direction. Mr. Kline states their CRP has had no delays in payments.

Eric Freeman of The Op Shop, Inc. states that WVARF, Inc. has been the easiest group to work with. Tammi Morgan of The Op Shop, Inc. agrees with what everyone is saying, stating that their CRP's relationship with WVARF, Inc. is currently the best it has ever been.

Chairperson Nuckles asks if there is anything else for the meeting. Ms. Nuckles states to Ms. Anglin of Green Acres Regional Center, Inc. dba Lesage Natural that it is tough as a new leader to come into a contentious situation and move forward. Ms. Nuckles thanks the attendees for all the support in the room, adding to Ms. Hobbs that it is difficult to come into the Central Nonprofit Agency role with stigma attached to the organization.

Kim Nuckles asks for a motion to adjourn the meeting. John Hyre makes a motion to adjourn. Glenn McEndree seconds the motion. Meeting is adjourned.