

MEETING MINUTES

December 14, 2011

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

The meeting was called to order by Chairperson Cedric Greene at 10:00 a.m. December 14, 2011 at the WVARF temporary office located in the Goodwill Building, 209 Virginia Street, West, Charleston, West Virginia.

ATTENDANCE:

Committee: Cedric Greene (Chairperson); Marsha Allman, Acting Executive Director; Everette Sullivan; Brenda Bates; Jan Smith; Phillip Mason; Mike Sheets, Executive Secretary; Carol Jarrett, Recording Secretary.

WVARF Staff: Marsha Allman, Leona Huffmann, Sherry Briggs

Absent: Sherry Briggs and Leona Huffmann
Mike Sheets, Purchasing Division
Jan Smith and Phillip Mason attended by conference call.

Guests: Debbie Birthisel, Green Acres
Sue Chapman, Department of Administration, General Services Division

MOTION #1

Mr. Sullivan, if no corrections, I move to approve the minutes from the November 16th meeting. Mr. Mason seconded. Motion passed.

COMMITTEE CHAIR REPORT:

Mr. Greene, I have an article that was in the Charleston Daily Mail regarding employment of disabled people at the federal level. This may or may not affect us at the state level. A copy was handed out to all present.

Mr. Greene, on December 5, 2011, I met with Hershel (Ned) Rose, Attorney; Chris Herrick, Deputy Counsel for the Department of Administration; and Bob Paulson, General Council. We had a very good productive meeting and I explained WVARF and where we are at right now. Mr. Rose is going back to WVARF and CNA Committee and come up with a dollar amount that WVARF is owed and will proceed in a letter form and we will make a determination on what if any monies the state would be willing to pay for 2010-2011. I am waiting for Mr. Rose to get back with me.

Ms. Allman, I haven't had that much contact with Mr. Rose. Once the invoices were approved by General Services that would be the amount. Looks like Goodwill is holding out for the full amount.

Mr. Greene, he gave us two dollar amounts. What he was going to do was get back to WVARF and CNA then get back to us. If you and Goodwill need to work out something, that will be between the two of you. As soon as we get the letter we are ready. We met and had a great meeting and we are waiting on WVARF's representative and CNA's representative.

Mr. Sullivan, how much is owed?

Mr. Green, I believe it was \$36,000. Previously WVARF overpaid \$36,000 from January through June to Goodwill from what they received from the state. WVARF is saying \$17,000 is what is being owed to you, \$111,653.08 and the CRP is saying that is not enough.

Mr. Greene, it appears to say you are handling this situation from July forward. That was the intent all along to pay for the workers' that was there. Thirteen (13) people being there, WVARF has paid for those people to be there. Goodwill is saying (13) people show up you pay for (13) people.

Ms. Smith, I understand what you are saying, I would like for WVARF to pay Goodwill what we need to do, send in substitutes or whatever we need to do. Also, we want to have our Committee to see how this contract will be written. This is not normal as our other contracts.

Mr. Mason, it breaks down 13 people + amount of hours. This was like temporary services. This contract should never have been allowed to continue without clearing this matter up. I feel WVARF should pay the full amount and let it rest. I am not clear what impact that has on WVARF.

Mr. Greene, I am sure the CNA Committee is saying, Marsha if you are being billed \$25,000 and you are paid \$25,000 you should get that back from the state.

Ms. Allman, the CNA Committee feels the same way, they should be paid for services they provide and no more. When the no substitute rule was in effect they assumed maybe one (1) person would be absent now and then, but when six (6) people for days at a time which was absurd, I think that is why General Services took action.

Ms. Smith, I hate to see this go to Court.

Ms. Allman, Goodwill has already secured an Attorney. They have been paid the full amount from January to June which was a \$36,000 over payment. We have an agreement with Goodwill that a refund would have to go back to WVARF. WVARF paid Goodwill \$111,653.08 for invoices from July through September. They want the full payment from July through December, 2011. Their Attorney is now conversing with WVARF's Attorney.

Ms. Bates, this is an issue between Goodwill and WVARF. We had a Committee for Fair Market Price (FMP) and Purchasing Division approved that and I think the issue now is between WVARF and Goodwill. We can look at the future how we determine FMP. The FMP has to have Purchasing Division involved in it too. The Committee involvement determined that we have to go back and look at the determination for the FMP. The Committee's roll is not to tell the CNA to pay WVARF. We can get a committee together again so that we are all in agreement to approve that. I agree with Marsha on that.

Ms. Smith, I wish we could do this without it going to Court. It has always been about how many people for this amount of square feet. I don't see the state needing to see those worksheets. That is my concern for the future.

Ms. Allman, my staff looked at some of the old minutes and that was brought up how we came to that determination.

Mr. Greene, we will go back and look at the minutes. Marsha, would you get us a copy of those minutes?

Mr. Greene, the replacement for Jan Lilly-Stewart is still in the Governor's office. There are about 600-800 people to be placed on boards, etc. As a matter-of-fact, if you haven't expired as a member of the Governor's Committee, you will expire this month. We will keep moving forward until we get direction from the Governor's office.

EXECUTIVE SECRETARY'S REPORT:

No report

EXECUTIVE DIRECTOR'S REPORT:

- 1) During the last meeting of the Governor's Committee, representatives of Goodwill Industries – Kanawha Valley asked to speak concerning three contracts at the Capitol Building and Campus. Since that time we have met with representatives of General Services Division; had a joint meeting of the CNA Committee and the Governor's Committee. At the recommendation of the CNA Committee, WVARF issued a check to Goodwill Industries – KV in payment for services for July, August and September 2011, sent with a letter to Cheri Bever, CEO/President of Goodwill, explaining that the amount represented payment for hours worked on each of the three contracts for those three months, based on time sheets submitted by Goodwill. There has been no contact with Goodwill since the letter and the check was sent on 12/2/11.

- 2) On December 12, 2011, I spoke with Sue Chapman and Melody Haynes of General Services Division regarding the three contracts mentioned above. They have submitted a 30-day notice of cancellation of four contracts, and will be changing day maid and grounds maintenance to temporary services contracts and will be paying for hours worked only; and, re-doing night shift floor care and night shift custodian to performance based contracts, with a scope-of-work. These new contracts will be presented at the January 18, 2012 meeting. I will be talking with them about re-negotiating some of those contracts as some will be temporary contracts.

Mr. Greene, we have a Real Estate Division and you can look at their website and they have all the specifications and everything is posted there and that information may be beneficial to you.

- 3) WVARF has been looking for new office space. We visited a place in Dunbar which has potential. Staff will continue to seek suitable space and will have options for WVARF's Planning Committee to review and present their recommendation to the full membership for approval.
- 4) WVARF/CNA may be hosting an evening event to allow CRPs to display goods and services to legislators and State agency representatives. Time and place will be announced.
- 5) WVARF office staff is still working on gathering documents for the accounting firm which is preparing the financial audit and the IRS Form 990 for the year ending June 30, 2011. I hope to have a full report for the January meeting. It has been difficult to get all the information for the audit since our move.
- 6) Suttle & Stalnaker continues to do month-end bookkeeping. They have submitted a recommendation to change the accounting program at the beginning of the next fiscal year, effective July 1, 2012.

CONTRACT PRESENTATIONS:

Ms. Allman, we are working on a couple of smaller contracts with Alcohol Beverage Control Administration (ABCA). They need day cleaning and Goodwill has been awarded that. This is a one-time cleaning service in Nitro for a total of \$644.17.

MOTION #2

Mr. Sullivan made a motion to approve the contract. Ms. Bates seconded. Motion passed.

Ms. Allman, please see a copy of the Waiver Log which was handed out to all members present. This goes back to fiscal year. We are working with two (2) CRPs regarding water service. The waiver report is helping those people. They are: Developmental Center & Workshop, Keyser, West Virginia, and S. W. Resources, Parkersburg, West Virginia.

Ms. Allman, WVARF billed the state for \$135,283.62 on the TEMP11A contract from August 1, 2011 through October 31, 2011 with a total of sixty four (64) workers in the temporary services during this time.

Ms. Allman, Quarterly Report describes how many people they have in their program, the number of people with disabilities and the number of people without disabilities. Every CRP is in compliance of meeting the 75% compliance. A copy was handed out to all members.

FINANCIAL REPORT:

Ms. Allman, we have not received all of our invoices from CPRs. We have mailed our invoices to the state. We usually bill the state during the first week following the end of the month. As of November 30, 2011, the over 90 was \$92,000. That was the contract with Goodwill. Hancock County is having problems getting things signed. Gateway Industries, we did get paid and they didn't approve services until December.

Mr. Greene, on page three under 0 – 30, is that reoccurring bills?

Ms. Allman, no, it is a monthly amount they have not paid. If we have any over 90 days, I will get that taken care of.

Ms. Bates, under Professional fees, \$4,000 over budget, Ms. Allman, could you adjust that or make another area to show those accounting fees?

OLD BUSINESS:

None

NEW BUSINESS:

None

PUBLIC COMMENT:

None

MOTION #3

Mr. Sullivan made a motion to adjourn.