

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

November 28, 2023 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 Thursday, November 28, 2023 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, John Hyre, Susannah Carpenter, and Executive Secretary Mark Totten.

Guests Present at the Meeting: West Virginia Department of Administration Deputy General Counsel Misty Peal and Brittany Rutrough.

Nita Hobbs, Andrea Higginbotham, Gary Wolfe, 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 for WVARF, Inc.

Jack Holcomb was present representing Precision Services, Inc. Travis Kline was present representing The Job Squad, Inc. Greg Morris and Joe Leftkay were present representing PACE Enterprises, Inc. Eric Freeman and Tammi Morgan were present representing The Op Shop, Inc. Jason Bailey was present from the West Virginia Association for Disability Employment. Alex Burrell was present from Integrated Resources, Inc. Sally Nelson was present from Goodwill Industries of KYOWVA Area, Inc. Kassia Lilly was present from Goodwill Industries of Kanawha Valley, Inc. Brandon Marks was present from Horizon Goodwill Industries. Jamie Williams was present from Mercer County Opportunity Industries, Inc. Mary Dean was present from the Buckhannon-Upshur Work Adjustment Center, Inc.

ITEM FOR DISCUSSION

The Central Nonprofit Agency (WVARF, Inc.) distributes several printed volumes of spiral-bound information. Kim Nuckles thanks the CNA for the time and effort to put the data together, indicating that a copy will go back to the West Virginia Purchasing Division with Mark Totten. Ms. Nuckles thanks the CNA again.

Kim Nuckles addresses communication sent by the CNA (WVARF, Inc.) several hours before the meeting requesting price increases, indicating all the state agencies are in shock by the request when the state budget cycle is closed. However, Ms. Nuckles states, things can sometimes be adjusted, so the Committee is open to listening to the CNA.

COMMODITY OR SERVICE PRICING FORMS

1. Sixty six (66) Fair Market Price Forms for Gateway Industries, Inc. for new commodities, including engraving & etching, signage, cups, and awards.

Nita Hobbs of the Central Nonprofit Agency (WVARF, Inc.) directs the committee to review the provided packet of FMP forms and options. Andrea Higginbotham of WVARF, Inc. adds that the CNA has supporting documentation, but that it's too much to send or print, but they can get it electronically later. Ms. Higginbotham also points out that the forms include two prices, the regular contract price and a higher price if a state agency pays by Purchasing Card. Kim Nuckles asks if comparisons are included in the documentation. Ms. Higginbotham responds that everything is summed up at the end of the included documentation. Ms. Hobbs indicates that the CNA has tried to simplify the information submitted. In regard to one of the new commodities, Kim Nuckles asks if dimensions are included for restroom signs, further asking the committee if they can find the information in the provided documents. Susannah Carpenter notes that it would be helpful if the CNA includes page numbers in the future. Ms. Hobbs responds that technical difficulties preventing the CNA from doing that. Ms. Nuckles notes that it is positive that such a large stack of new commodities is being introduced; indicating that, if approved by Committee, she will DocuSign the forms.

Susannah Carpenter makes a motion to approve; seconded by John Hyre. Items voted on and approved by Committee (66 forms).

FAIR MARKET PRICE MODIFICATION FORMS

2. Nine (9) Fair Market Price and Commodity or Service Pricing Forms for SW Resources, Inc., WorkAble Industries, Inc., and Integrated Resources, Inc. for low-impact monitoring.

Several of the forms focus on mileage costs for three (3) CRPs that provide this service, noting a need to recuperate mileage costs, as well as separate contract pricing and a higher price if a state agency pays by Purchasing Card. Andrea Higginbotham of WVARF, Inc., provides discussion and explanation behind the forms. Mark Totten notes that, generally, the West Virginia Purchasing Division's contracts do not approve line items for vendor mileage. Ms. Higginbotham notes this contract is based on mileage. Susannah Carpenter notes that, upon reviewing the documentation, she is attempting to get "apples to apples" information, noting the \$45 hourly rate. Ms. Higginbotham states that three (3) CRPs come from different locations. Ms. Carpenter states there must be a better way to come up with mileage-related costs. Greg Morris of PACE Enterprises, Inc. states that this service is different than any other commodity. Mr. Morris goes on to state that CRPs are probably losing money on the routes, and how he was initially hesitant to accept the proposal; they did not have the information when they began to address this properly. Kim Nuckles asks where the Committee stands. Ms. Carpenter indicates that there are issues, but that she is fine to approve the forms as is and see what response comes from the Purchasing Division. Glenn McEndree agrees to have

Purchasing Division deal with it.

Glenn McEndree makes a motion to approve. Motion is seconded by Susannah Carpenter. Forms voted on and approved by Committee (9 forms).

3. Forty Four (44) Fair Market Price and Commodity or Service Pricing Forms for Buckhannon-Upshur Work Adjustment Center, Clay County Services Unlimited, Inc., Developmental Center and Workshop, Inc., WorkAble Industries, Inc., Gateway Industries, Inc., Goodwill Industries of Kanawha Valley, Inc., Goodwill Industries of KYOWVA Area, Inc., Horizon Goodwill Industries, Integrated Resources, Inc., Job Squad, Inc., Lillian James Learning Center, Inc., Mercer County Opportunity Industries, Inc., Northwood Health Systems, Inc., Precision Services, Inc., Prestera Center for Mental Health Services, Inc., Preston County Workshop, Inc., Seneca Designs, Inc., SW Resources, Inc., The Op Shop, Inc., W.A.T.C.H., Inc., PACE Enterprises, Inc., and Goodwill of Southwest Pennsylvania for janitorial services.

Kim Nuckles notes that current rates have been in place since 2018. Nita Hobbs of WVARF, Inc. points out maps that show disbursement of usage rates by region, noting higher wage rates in West Virginia's eastern panhandle as part of the Washington, D.C. metro area. Ms. Hobbs also notes the comparison rate sheet aims to create a consistent model incorporating the Committee's previous concerns--mentioning the breakdown of overhead, supplies, and equipment--and while it's frequently a "square peg in a round hole," the enclosed documentation is a start. Ms. Nuckles says she understands this is a long time to go without an increase. Susannah Carpenter notes the large quantity of forms submitted. Glenn McEndree echoes that there is a lot of information, and that he could not read every single page. Andrea Higginbotham from WVARF, Inc., notes they did not include a form for Bright Horizon; they had a massive data failure so they could not provide the data.

Susanna Carpenter says she thought she saw an external comparison for the rest area and welcome center. Andrea Higginbotham responds that the West Virginia General Services Division put out bids for WVARF, Inc., in order to get three market comparisons for the area. It is noted that the Committee is flooded with information.

Kim Nuckles indicates she likes the documented comparison by region. Susanna Carpenter notes the tables are helpful. Nita Hobbs of WVARF, Inc., states that West Virginia is different by region, so that format helped. Ms. Carpenter asks if the data is "apples to apples;" the representatives from WVARF, Inc. respond that they are. Ms. Carpenter asks if WVARF, Inc. is concerned with state agencies choosing other vendors with lower prices; WVARF, Inc. responds they are concerned. Nita Hobbs of WVARF, Inc. says she felt like they would "lose either way" if they did not proceed with the price increase request, but their goal is to employ persons with disabilities and get them off social services. Ms. Carpenter suggests that gets added to their proposal.

Kim Nuckles redirects that the Committee's job is to approve or not approve. Nita Hobbs of WVARF, Inc. indicates that state agencies refer to CRP employees as "our workers," and that agencies are happy with current services. Gary Wolfe of WVARF, Inc. states

that the CNA checks on job sites, which is something the private sector would never do, even if there is a job site with just a couple man hours or located in remote areas; Mr. Wolfe repeats that no one else would check on job sites. Ms. Hobbs states that other vendors would not want to do this work. Andrea Higginbotham of WVARF, Inc. states that their corporation is forced to choose the mission over money; “we are past the line or we are going to have to start giving these things up.” Kim Nuckles asks the Committee if there are any more thoughts or comments.

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

Kim Nuckles indicates to Andrea Higginbotham of WVARF, Inc., that she needs the content to DocuSign. Ms. Nuckles states the information needs to get to the West Virginia Purchasing Division so there is “apples to apples” data.

4. Twenty six (26) Fair Market Price Forms for Horizon Goodwill Industries, SW Resources, Inc., Clay County Services Unlimited, Inc., PACE Enterprises, Inc., The Op Shop, Inc., Gateway Industries, Inc., Goodwill Industries of Kanawha Valley, Inc., Goodwill Industries of KYOWVA Area, Inc., Preston County Workshop, Inc., Precision Services, Inc., W.A.T.C.H., Inc., and Developmental Center and Workshop, Inc., for custodial grounds maintenance at rest areas.

Andrea Higginbotham of WVARF, Inc. states these forms include grounds maintenance based solely on rest area labor, supplies, and equipment and went through the same rate maker, and left supervisor travel expenses the same. Ms. Higginbotham also states that, in the packet, if you see a higher requested price, that might be for two rest areas; the Details column on the chart should tell you. In addition, she states the acreage of each rest area would also come into play, as well as an increase in gas and oil per acre. Ms. Higginbotham states that, at the end of the packet, some competitive information on the market is included. Kim Nuckles asks why the Development Center in West Virginia’s eastern panhandle is so much more; it is stated that location has the highest acreage. Ms. Nuckles points out there is a \$30 difference; Ms. Higginbotham replies that is for 27.5 acres. Gary Wolfe of WVARF, Inc. states this is tougher acreage.

Kim Nuckles notes The Op Shop, Inc.’s price-increase request is the 2nd highest increase, asking the CNA if there is feedback; Gary Wolfe of WVARF, Inc. replies he has video from site visits to all rest areas, stating that what issues were found were not things that WVARF, Inc. controls. Mr. Wolfe states the sites themselves are not fixing on-site problems like maintenance. Andrea Higginbotham of WVARF, Inc. states she has not heard back from Randolph-Sheppard; they went to the rest areas a second time. Gary Wolfe states he has videos of people saying that West Virginia’s rest areas are the best in the country.

Gary Wolfe of WVARF, Inc. notes incidents at rest areas; a drunk driver hit an employee recently, one employee was recently shot, and a truck driver was killed at a rest area, which was witnessed by an employee. Nita Hobbs of WVARF, Inc. states they need to talk to the West Virginia Division of Highways and Parkways Authority about the safety

of staff; Mr. Wolfe says they have to tell employees not to intervene during an incident, and instead, to go into their workspaces and lock the door.

Kim Nuckles asks the Committee for a motion. John Hyre makes a motion to approve. Motion is seconded by Susannah Carpenter. Forms voted on and approved by Committee (26 forms).

OLD BUSINESS

Glenn McEndree makes the statement that he could not hear anyone who was not at the meeting's microphone, asking the audience to please come closer in the future when making a point during meetings.

Kim Nuckles makes a request for an update from Goodwill on supplies for cleaning restrooms with a 30-day improvement plan. Ms. Nuckles asks what we can do to make performance better, whether the issue is with management, the Committee, or another party. Kassia Lilly of Goodwill Industries of Kanawha Valley, Inc. responds that the problems are probably a combination of things; the West Virginia General Services Division took some jobs back and had to move some employees around and re-train. Ms. Lilly adds that no supervisory hours were assigned or reimbursed by the state, with problems added from retirements and personnel changes; she thought they were doing better, but then performance went downhill. Andrea Higginbotham of WVARF, Inc. states that some floors are heavy hit; they asked Labor for information on events; requests are being made not in the scope of work. Gary Wolfe of WVARF, Inc. states that floor care used to be in there, adding that WV GSD is incorporating new programs and changing 50-hour requests to 30-hour requests, stating that employees cannot do the job with these assigned hours. Mr. Wolfe states that GSD brought in another group and tells CRP employees to keep track of tasks, and as a result, everyone is going to blame Goodwill. Kim Nuckles notes that Goodwill employees come into her office upset about changes to their routine. Ms. Higginbotham notes that state agencies do not realize there are three groups in this relationship: Goodwill, the West Virginia General Services Division, and the West Virginia Department of Administration's work-release program that is now handling some other buildings. Ms. Lilly states she can attract better talent with higher wages. Ms. Nuckles indicates the Committee is starting to put contract scopes of work on the GCPCSH's website so people know who is responsible for what; Ms. Higginbotham replies that information is not going to people in state offices, so that is welcomed.

NEW BUSINESS

Nita Hobbs of WVARF, Inc. states they are working with the Legislative Claims Commission for some unpaid invoices; claiming the state owes the CNA \$2 million, \$850,000 of which is 90-days overdue. Ms. Hobbs adds they have hired part-time legal counsel and are working with state agencies to resolve; with some agencies, they may need to talk about suspending services. Kim Nuckles states that certain state agencies are having more difficulties, citing the West Virginia Division of Highways and Department of Health and Human Resources as owing the most; but those agencies are also the biggest customers of the CNA. Ms. Nuckles states the DOH has assured that invoicing will be better in the future, citing two employees in particular

who have made great strides to resolve issues. DOH's Region 4 is mentioned as the biggest problem in relation to rest area invoices.

Kim Nuckles asks if there is anything else from the Committee.

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