

**From:** [Sunset Advisory Commission](#)  
**To:** [Cecelia Hartley](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, November 18, 2014 2:09:41 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, November 18, 2014 12:17 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Tuesday, November 18, 2014 - 12:16

Agency: TEXAS COUNCIL PURCHASING PEOPLE DISABILITIES TCPPD

First Name: David

Last Name: Duncan

Title:

Organization you are affiliated with:

Email:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am currently the General Counsel of a state agency, but I provide my comments today as a private citizen. I previously served as counsel to the Texas Council on Purchasing from People with Disabilities (TCPPD or Council).

I saw firsthand the good that the Council's programs can do by providing meaningful employment opportunities for disabled Texans. When I first started with as TCPPD's attorney, I joined them only for their posted meetings, choosing to forgo opportunities to tour the local Community Rehabilitation Programs (CRPs) that directly employ the disabled workers. I later learned that visiting these CRPs provided the truest understanding of the purposes and benefits of the program. Before the Sunset review of the TCPPD is completed, I strongly urge the Commission members or their staffs to visit a CRP in Austin or in your local community. Only by seeing these nonprofit entities for yourself can you gauge the meaningful and beneficial outcomes that this program can provide.

I provide the following comments on the Sunset staff's recommendations regarding the TCPPD. I believe that continuing the program, with additional direction to the TCPPD Board, will provide the best chance for the program to flourish and continue as a national leader in providing disabled workforce opportunities.

Foremost, I believe that removing control of the program from an all-volunteer, aligned Board and placing it in a single statewide elected official's jurisdiction will not directly improve administration and oversight for the program. Having a Board of dedicated volunteers from broad backgrounds allows for transparent oversight, multiple viewpoints and depth of experience not available from a handful of state employees running the program. The Comptroller's office does not have the staff or expertise to oversee a program where the main focus is employment of disabled individuals.

While the Comptroller has broad experience managing a large portfolio of complex contracts and tracking detailed

financial metrics, these are not the same as directing a complex program with an ultimate goal of increasing employment of persons with disabilities.

Any Alternative or New Recommendations on This Agency:

Based on the Sunset staff's review, and with an eye towards improving many of the performance metrics they raise in their report, I offer the following suggestions for what I believe will be a successful Sunset review outcome for the TCPPD:

1. Retain the TCPPD Board structure, pass legislation giving them clear direction regarding the Legislature's desired metrics for success in the program, and allow them to develop policies and rules to work toward those goals. Annual or biennial reporting could be used to track the program's success against those metrics.
2. Encourage or require the Board to hire additional staff, including at least one senior staff member with experience in managing a complex employment system (like a state agency or small business) and major contracts like the CNA arrangement.
3. Adopt the staff's recommendation for the Comptroller (CPA) to perform a study on the effectiveness of the program. Allow the CPA and the Board to work together to accomplish the goal of performing that study.
4. Direct the Board to establish conflict of interest limitations for their interactions with the Central Nonprofit Agency (CNA) TIBH.
5. Require spot-checks of CNA oversight of CRP compliance metrics, but be very careful about placing that duty in the hands of staff at any agency. Any compliance review of CRPs will necessarily involve checking documentation involving the disability "qualifications" of individuals served by the program, including medical and/or mental health records. These very sensitive records and the conclusions or diagnoses they contain should be available only to qualified personnel, with extensive security controls imposed on the maintenance and distribution of those records.

Thank you for your attention and for the difficult work you and your staff perform in reviewing state agencies' performance. I am available at your convenience to clarify or add to any of the comments provided.

My Comment Will Be Made Public: I agree