

OCT 17 2014

*Wanda White Stovall*

October 14, 2014

Sunset Advisory Commission  
PO Box 13066  
Austin, Texas 78711-3066

Re: Sunset Staff Report

At your request, I have enclosed an individual response to the Sunset Staff Report. As a member of the Texas Council for Purchasing from People with Disabilities, I am very concerned with the recommendations of the Commission's staff and am hopeful they will modify their drastic proposals.

I look forward to working with the Commission to bring about a solution that benefits best the disabled citizens of Texas.

Sincerely,

*Wanda White Stovall*

Wanda White Stovall  
Vice Chair  
Texas Council on Purchasing from People with Disabilities.

## RESPONSE TO SUNSET COMMISSION REPORT

### RESPONSE TO RECOMMENDATION 1.1

The recommendation to abolish the Texas Council on Purchasing from People with Disabilities and place oversight and administration of the State Use Program at the Controller's office constitutes a blatant disregard for the efficient, effective, and successful work of the Council in establishing this program as one of the most recognized in the nation for growth in sales, employment opportunities, and wages paid to disabled workers.

The Council has proven it maintains oversight and administration of the CNA and the program. The Commission's assertion that the comptroller has greater expertise and experience and could thereby be more effective than the members of the Council is unfounded and disparaging. Council members were selected by the Governor based on their knowledge and experience in diversified areas applicable to the success of the program as well as their dedication to achieving employment opportunities for the disabled. Appointments were not based on political allegiance but ability to serve the purpose and goals of the State Use Program.

The key duties listed to be performed by the Controller's office have been and continue to be performed successfully by the Council and the CNA.

### RESPONSE TO RECOMMENDATION 1.2

The Commission's recommendation to establish an advisory committee to set goals for the State Use Program and standards for participating community rehabilitation program certification is basically a re-ordering of work presently performed effectively by the Council.

The Council strongly disagrees that the proposed structure for an advisory committee meeting once a year could have the significant input and impact on the program that the Commission states in their recommendation. With most of the decision making process being conducted by the controller's office, the advisory committee would have limited access to information and contact with the diverse elements which constitute the program and would lack the personal involvement that characterizes the present Council.

The proposed structure would result in committee members participating in a meaningless exercise that is true of many advisory committees when they are isolated from participation in the decision making process.

The previous Sunset Commission recommended the Council have an advisory committee similar to the one outlined in this recommendation. It was the determination of Council members since to forego a formal group and attain input through frequent direct contact with CRP staff, board members, disabled clients, citizens, vendors, and state customers. At least twice each year, Council meetings are held in different venues throughout the state to make contact more accessible. Times and places for all meetings of the Council and its committees are posted according to state law and any interested party can attend and participate. Contact information for Council members is displayed on the TCPPD website.

Council members and TIBH staff have been conscientious and diligent in seeking and responding to input. They are aware that the program could benefit from additional citizen involvement. The Council would welcome an advisory committee and would value their input and help in providing more opportunities for the disabled. The Council would recommend advisory committee meetings coincide with Council meetings so members could observe and be involved in proceedings and have information to make intelligent and relevant recommendations.

Sunset Commission has recommended performance measures for the program relating to specific areas. The Council and TIBH have consistently included information regarding the following recommendations in quarterly and annual reports:

- Total of sales revenue paid in wages to people with disabilities
- Average hourly wage for people with disabilities employed
- Number of people paid less than minimum wage

Other performance measures recommendations were never required by statute and were not reported. If these are required in future changes to the program, the Council will include this information in future reports.

#### RESPONSE TO RECOMMENDATION 1.3

Compliance reports from CRPs are made quarterly and presented to the Council. These reports include the measures recommended by the Commission. Any deviations from required standards are considered and CRPs must respond by written statement or appearance before the Council. In such instances, the Council, because of their experience, expertise, and involvement with the CRPs, has the opportunity to weigh the information, make recommendations, and work with the CRPs to maintain their eligibility and the employment of disabled workers. The Council and TIBH provide on-going support to CRPs to become compliant when they are struggling due to circumstances they cannot control. Additional compliance monitoring occurs to ascertain all requirements are met whenever a CRP is awarded a new State Use Program contract. Random compliance determinations are conducted by TIBH staff at the request of the Council or clients.

All new CRPs must demonstrate compliance with statutory requirements. This information is reviewed by TIBH staff and the Council. All CRPs must apply for re-certification every three years and file updated information on staff, facilities, programs, and disabled workers. Documents to validate disabilities are on file for every worker on State Use Program contracts and are reviewed by TIBH staff. Reports of these reviews are presented to the Council.

The Commission's recommendation for contracting out compliance monitoring is a standard method of internal control and the Council agrees it has merit. This procedure would be expensive and add to the cost of the program and, at no time since the last Sunset review when new compliance requirements and reports were initiated, has there been any indication that CRPs were not consistently maintaining compliance standards and submitting accurate reports. Although aware that there exists the possibility for discrepancies to occur, the Council has been reluctant to add additional costs to the program when there has been no apparent need for such expenditure and monitoring procedures have proven to be effective.

#### RECOMMENDATION 1.4

The Council agrees with the recommendation that the costs of the State Use Program be determined by the comptroller's office. It is good business to know how much is being spent and for what products and services. However, the Council disagrees that a report of this study should be made available in September, 2019. The Council recommends that such a report be authorized as soon as possible to determine the costs of the program UNDER THE PRESENT STRUCTURE AS ADMINISTERED BY THE COUNCIL.

Under no circumstances, should the Council be abolished until this study is made and the Legislature is provided with the report. The Commission is asserting that the Council is ineffective and inefficient. The Council maintains that this study will validate that the State Use Program has been administered in a highly successful manner, recognized nationally, in a cost-effective manner that reflects the compassionate, caring concern of this state for its most vulnerable disabled citizens.