**STATE USE LAW COMMISSION MEETING**

**AUGUST 16, 2016 MEETING MINUTES**

**MEMBERS PRESENT:** Debbie Harrington (Chair), Doyle Dobbins (Co-Chair), James “Ty” Case (Member, DVI), Dean Stotler (Member, OMB), Valerie Watson (Member, Finance), Michele Mirabella (Member/Teleconference), Chuck Wagner (Member/Teleconference), Mary Page Bailey (DAG/Counsel), Daniel Madrid (DVI/Ex-Officio), Thomas Cook (A.N.D/Ex-Officio)

**GUESTS:** Kendra Johnson (Elwyn), Jessica Berkmire (Elwyn), Paul Beane (A.N.D), Kristy Trudel (A.N.D), Deborah Bradl (DVI), Lloyd Schmitz (General Public), Doug Minner (FM), Lori Beda Butanis (Graphic designer of the annual report), Amber Mangini (Administrative support)

A quorum was determined and the meeting was **called to order at 4:00 pm**.

1. **APPROVAL OF MINUTES**

Mr. Cook wanted to ensure that the Q&A document from the last meeting was attached as part of the minutes for July. Ms. Harrington stated that the Q&A will be attached as part of the July minutes. Mr. Stotler made the motion to accept the July minutes as written, Ms. Watson seconded the motion and the July 19th 2016 meeting minutes were approved as written.

Upon finding an inaccuracy in the June minutes the vote to accept those minutes was rescinded. Mr. Stotler moved to rescind the vote, Ms. Watson seconded the motion, and all were in favor; motion to rescind the June minutes was carried. Mr. Stotler proposed that we replace the inaccurate statement with the transcribed statement: Mr. Beane stated “We’ve also done significant numbers of walk-throughs around the site to sort of assess what dangers the site may present in terms of these types of materials, and we are satisfied that it doesn’t pose a risk that wouldn’t be associated with any other type of trash pick-up service.” Ms. Watson seconded the motion to amend the June minutes with the transcribed statement, and all were in favor; motion carried.

1. **OLD BUSINESS**

**2016 Annual Report/ 1st Draft –** Ms. Watson requested a copy of the new letterhead so that Lori (graphic artist) could put the “Letter from the Chair” on the new letterhead. Lori requested that the letterhead artwork be sent to her in the body of an email so that she could extract it. Mr. Madrid then sent Lori the requested document. Page 4 of the draft report showed data from last year therefore Ms. Watson asked that updated data be supplied to her to make the report current. Ms. Watson also stated that there is a lot of current information that is missing from the report and she was looking to DVI and A.N.D to provide the needed data. Mr. Cook offered to provide the data for KSI on page 4. Ms. Watson went through the entire draft report with the Commission identifying what information was needed and who would be responsible for providing it. Ms. Watson asked that some information about the Janitorial service providers be added to page 9 also. Regarding the timeline of events that took place under the current administration, she requested that at least 5 or 6 events/accomplishments be added to make the timeline meaningful. Pages 11-13 were in need of updated information in terms of financial data, state use contracts, and opportunities. At this time a discussion took place regarding what information (during the Markell administration) should go on the timeline. Mr. Stotler felt that the timeline should reflect how the opportunities, earnings, etc. have changed for persons with disabilities from 2008 until now. Emphasize on the benefits and opportunities that have been afforded to these individuals due to the work of the SULC during the Markell administration. Mr. Cook recommended a vertical timeline with one side showing the accomplishments of the SULC regarding employment, earnings, changes, etc. and the other side would be initiatives of the Markell administration related to disability and employment such as the bottom line initiative, passage of employment first act, etc. Mr. Cook agreed that A.N.D would be the repository and supply the needed data for this. Mr. Stotler agreed that it would be a great addition as long as there was a correlation to increased opportunities with an initiative taken by the Markell administration; otherwise without the correlation it wouldn’t visually represent an improvement. It was decided at the last meeting that client success stories would be done by category of services and 2 stories have been submitted thus far. Mr. Beane suggested that there be a success story for each line of business, 3 for A.N.D and 1 for DIB (KSI didn’t have a recent story to submit). Ms. Watson asked that Mr. Beane get the success stories to Lori as soon as possible for publication. The commissioners had a discussion about whether the success stories should be told from the participant’s perspective or from the employer’s perspective. It was decided that the stories would be told by the participants written as first person and would also contain images of the individuals.

Page 17 listed all of the Commission members as well as the meeting dates for 2016. There was a misspelling of the word “council” that should be edited to read “counsel” as Ms. Bailey’s title. Also Mr. Stotler’s title should read Director of GSS rather than OMB. Ms. Watson wanted to include a few words about who we are as a commission and Ms. Harrington stated that she would send the wording that was used in the JSC report regarding the purpose of the SULC. There was a discussion regarding whether the new name of the Commission should be used throughout this report because the report reflects the fiscal year 2016 in which the Commission was known by its former name. It was decided amongst the members that the report would reflect the Commission’s current name and that the report would clarify that the data is from FY 16. The meeting dates should also reflect FY 16 (July 2015-June 2016) rather than the calendar year January-December of 2016. Mr. Stotler also suggested that the stock photos on the report be replaced with actual photos of activities or events of the Commission.

**By-Laws –**The subcommittee completed the draft of the By-Laws document and forwarded it to Ms. Bailey to review and re-write with the proposed changes. The by-Laws document should be finalized at the next meeting and ready to present to the full Commission next month. The Regulations subcommittee should be able to hold their first meeting in October.

**New Commissioner/ DOL –** Ms. Harrington asked Ms. Bailey about the new DOL Commissioner and how to go about informing him/her of their seat on the Commission and the upcoming scheduled meetings. Mr. Madrid stated that he reached out to DOL and informally notified them of their seat on the Commission. Ms. Harrington stated that a letter needs to be drafted and sent to the director of VR (or their designee) inviting them to the meetings as well as adding them to all future email correspondences regarding the Commission.

1. **NEW BUSINESS**
2. **A.N.D. Request for Approval of Grounds Maintenance Services (5 Locations) –** Ms. Trudel explained the scope of work and pricing of the 5 locations to the Commission. A.N.D currently provides janitorial services to 4 of the locations (Highway Admin. Bldg. /Dover DMV, Wilmington DMV- Hessler Blvd., DE City DMV, & Thomas Collins Bldg.). These locations (except the Dover DMV) are all currently serviced by the same providers that have offered the prices as an expansion of their current contracts. Mr. Stotler was concerned that 2 of the sites being proposed for grounds services (Dover DMV & James Williams Service Center) aren’t currently set-aside contracts for the inside janitorial services like the others. He wanted to make sure that the site was set aside and that the provider was the same provider for the inside janitorial services and the outside grounds services. He asked Mr. Minner if he had reviewed the budget to consider this and whether the use of grounds keepers from the Facilities department would be more appropriate than a contracted service. Mr. Minner stated that the acting Director does know about this situation and fully supports it; they were just waiting to see if the Commission approved the requests before anything else. Ms. Bailey had concerns because if this were approved by the Commission then there was the assumption that the budget was already in place. Mr. Stotler suggested obtaining fiscal and budgetary support before advancing an additional service. Also he wanted his concerns addressed regarding the 2 sites being proposed that haven't been competed against the established commercially awarded vendor. He felt that there was more to be discussed before taking any action on this matter.
3. **A.N.D. Request/Remove FM Building Maintenance from the Janitorial Services Set Aside List –** Due to an operating loss A.N.D received notice (on 6/29/2016) from Easter Seals to surrender the FM office building located in Georgetown, DE. A.N.D sent out an RFP but unfortunately there were no interested providers to take over the site. A.N.D surrendered the site back over to the state for competitive bid effective 8/31/2016. Per FM, Mid Atlantic will take over the site effective September 1, 2016. No one lost their employment due to the surrender. A.N.D was requesting a removal/surrender of this location so it could be added by addendum to the competitive contract so Mid Atlantic can begin service on September 1st 2016. Mr. Stotler made a motion to remove the location from the established set-aside contract to return it to the competitive reward. Ms. Watson seconded the motion and all were in favor; motion carried.
4. **A.N.D. Request/Update Cleaning Specifications for Delaware Veterans Cemetery –** A.N.D was seeking approval from the Commission to update the cleaning specifications to accommodate the customer’s needs. A.N.D is also seeking the Commissions acceptance of Delaware Elwyn as the new subcontractor for the services. A.N.D wanted to amend the contract to meet the cemetery’s specific cleaning needs as well as provide services to 2 outside restrooms at the site as well. Mr. Stotler stated that he had no objections to including the enhancements to be a more defined scope of work by addendum into the current contract. Mr. Beane then introduced Jessica Berkmire (Elwyn) who presented, and was awarded; a very thorough proposal to A.N.D. Ms. Berkmire gave a quick presentation about Elwyn to the Commission. Ms. Watson made a motion to approve the janitorial services proposal for the Veterans Cemetery. Ty Case seconded the proposal and all were in favor of the amendment; motion carried.
5. **(DIB) REPORT**

Mr. Madrid reported that DIB has renewed the neckerchief contract which will begin at the end of this month and provided 2 additional employment opportunities for individuals with visual impairments. They intend to have a formalized plan in place over the next month to prepare for the transition into the new administration. Regarding their future structure, they are still trying to shift the business model to potentially partner with another organization by January 2017. DIB is part of DVI and therefore cannot divest their resources before going through some legislative changes and putting it out for competitive bid. The DHSS-DAG office suggested that the best route would be to put it out for RFP so potential partners can bid on the operation to partner with and then the transition process could begin.

1. **(A.N.D) REPORT**

Mr. Cook stated that he attended the DOE’s Rehabilitation Service Administration training on W.I.O.A. All federal officials are now using the initials/acronym instead of pronouncing the word “wioa” since it was brought to light that the word “wioa” is a derogatory term in a Native-American language. He also stated that major implications for State Use have to do with the definition of competitive integrated employment & work units; meaning that there needs to be equal numbers of people with and without disabilities to qualify for placement under the Division of Vocational Rehabilitation Program.

1. **PUBLIC COMMENT**

Mr. Lloyd Schmitz stated that he had difficulty obtaining meeting minutes (draft & finalized) and would like to know why he wasn’t provided access to them. Ms. Harrington informed Mr. Schmitz that all of the Commission’s meeting minutes are available on the Public Meeting Calendar. Mr. Schmitz reiterated that he wasn’t able to locate them on the PMC. He inquired whether the draft version of the meeting minutes were available (upon request) to the public. Ms. Bailey agreed to research the matter and inform the Commission of her findings at the next meeting. Mr. Schmitz also stated that he was previously on the distribution list to receive the SULC minutes, agendas, and notifications however he has been removed from that list. Ms. Harrington explained that any information pertaining to the public (agendas, minutes, meeting dates/times) are all available on the Public Calendar; any other correspondences regarding Commission business are for the Commissioners only.

1. **ADJOURNMENT**

The meeting was **adjourned at 3:55 pm** by Ms. Harrington.

Respectfully submitted,

Amber M. Mangini

Secretary to the SULC