

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

January 23, 2020

The South Carolina Commission on Disabilities and Special Needs met on Thursday, January 23, 2020, at 9:00 a.m. at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

COMMISSION

Present:

Gary Lemel – Chairman
Lorri Unumb - Secretary
Robin Blackwood
Barry Malphrus
David Thomas

DDSN Administrative Staff

Director Mary Poole; Mr. Pat Maley, Deputy Director; Mr. Rufus Britt, Associate State Director, Operations; Ms. Susan Beck, Associate State Director, Policy; Mr. Chris Clark, Chief Financial Officer; Ms. Constance Holloway, General Counsel, Mr. Robb McBurney, Legislative Liaison; Ms. Sandra Delaney, Administrative Coordinator (For other Administrative Staff and Guests see Attachment 1 – Sign In Sheet).

Guests

(See Attachment 1 Sign-In Sheet)

Notice of Meeting Statement

Chairman Lemel called the meeting to order and Commissioner Unumb read a statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

Adoption of the Agenda

Chairman Lemel moved to amend the agenda to add the discussion of public input to Item No. 10 - Commissioners' Update. On motion of Commissioner Unumb, seconded by Commissioner Malphrus, the Commission adopted the January 23, 2020 Meeting Agenda with the amendment. (Attachment A)

Executive Session

Commissioner Thomas made the motion to go into Executive Session to discuss a contractual matter with Lutheran Services Carolinas. Seconded by Commissioner Malphrus, the motion passed.

Enter into Public Session

The Commission entered into Public Session 9:45 a.m. It was noted that no action was taken in the Executive Session.

Commission Thomas made the motion to continue working with Lutheran Services Carolinas to come into compliance and admissions be suspended until such time that LCS has met all the benchmarks set out for them in the December 6, 2019 letter. Suspension should be lifted and SCDDSN will continue to provide close monitorship to ensure continued compliance. Commissioner Malphrus seconded and the motion passed.

Invocation

Commissioner Blackwood gave the invocation.

Approval of the Commission Meeting Minutes

On motion of Commissioner Unumb, seconded by Commissioner Blackwood, the Commission approved the minutes of the July 18, 2019 Commission Meeting.

Public Input

The following individual spoke during Public Input: Jason Tavenner.

Commissioners' Update

Commissioner Malphrus thanked the Lord first for the opportunity to serve on this board and secondly thanked Governor McMaster for making it possible for him to do this at this time in his life. He added the agency needs a lot of reform and it has for a very long time and with Ms. Poole we are at least moving down that road slowly and he is thankful for that and he intends to work as best as he can with the rest of the board members not only for this much-needed reform that we need so desperately but to allow the people that we serve to reach their potential in this life.

Commissioner Unumb stated she had the opportunity this past month to travel to see how people in other states and countries are dealing with the needs and what solutions they are proposing for people with special needs.

She added that she would work to see more of our local services in the coming months. She also welcomed Commissioners Thomas and Malphrus.

Commissioner Thomas stated he is impressed with what he sees and is thankful for the opportunity to serve on the Commission. He also had questions regarding the Agency's memorandums and stated he would like to see them when they are distributed.

Commissioners' Business

A. Election of Commission Office

Chairman Lemel stated with a resignation of a Commission member, there is an open seat for Vice Chairman. Commissioner Thomas moved to elect Commissioner Blackwood as Vice Chairman. By acclamation, Commissioner Blackwood was elected Vice Chairperson.

B. Naming of Committee Members

Chairman Lemel named Commissioners Unumb, Thomas and Blackwood to serve on the Legislative Committee with Commissioner Unumb as Chairman; Commissioners Malphrus, Thomas and Lemel to serve on the Policy Committee with Commissioner Malphrus as Chairman; and Commissioners Blackwood, Malphrus and Lemel to serve on the Finance and Audit Committee with Commissioner Blackwood as Chairman.

C. Discussion of Public Input

Chairman Lemel spoke of the establishment of public input. He asked for feedback from the Commission as a whole as to what the policy would be. Discussion followed. Commissioner Malphrus made the motion that it would be at the discretion of the chair as to who would speak to the Commission in public during public input and that he could reject any person at any time including in the middle of their speech. Commissioner Blackwood seconded and the motion passed.

Legislative Committee Update

Committee Chairman Unumb reported the after the Committee reviewed the proposed regulations making minor changes, the Committee voted to send the regulations to the State Registry for posting.

Now that we have a quorum, the Legislative Committee is bringing the proposed regulations to the full Commission with a recommendation that the proposed regulations be put through the legislative process once again. That would be to send a notice of drafting, republish the proposed regulations, open

the 30-day comment period and hold a public hearing as required. Chairman Lemel stated we will treat Commissioner Unumb's committee update as a motion and a second and with no further discussion, the motion passed.

Finance and Audit Committee Update

Committee Chairman Blackwood stated the items on today's agenda were previously voted on at the January 9, 2020 Committee meeting, however, they need to be ratified. Mr. Clark spoke specifically about each one.

- A. Contract Amendments – Commissioner Thomas made the motion that quarterly updates of amendments be provided as information to the Commission regardless of the amount. Commissioner Malphrus seconded and the motion passed. Chairman Lemel stated in addition, give the 803-CP directive to the Policy Committee to follow up, review and amend if necessary. Mr. Clark provided information on the 2020 Contract Amendments for Babcock, Charles Lee, Jasper, and Pickens DSN Boards. Discussion followed. Committee Chairman Blackwood made the motion from the Committee to approve the contract amendments. With the motion coming out of the Committee, and no further discussion, the motion passed. (Attachment B)
- B. Travel Directive 200-13-DD – Committee Chairman Blackwood made the motion from the Committee to approve the changes to the Travel Directive. With the motion coming out of the Committee, and no further discussion, the motion passed. (Attachment C)
- C. Procurement Directive 250-08-DD – Committee Chairman Blackwood made the motion from the Committee to approve the changes to Procurement Directive. With the motion coming out of the Committee, and no further discussion, the motion passed. (Attachment D)
- D. 2021 Budget Plan – Committee Chairman Blackwood made the motion from the Committee to ratify the budget request as presented. With the motion coming out of the Committee and no further discussion, the motion passed. (Attachment E)
- E. Consideration of options to pass State appropriated funds to Case Management and Early Intervention (July to December funding) – Committee Chairman Blackwood made the motion from the Committee to approve the distribution of the funds that were allocated by the Legislature according to the plans based on actual productivity per unit. With the motion coming out of the Committee and no further discussion, the motion passed.

- F. Waiver Enrollment and Medicaid Eligibility to Providers – This information was brought to the Commission’s attention. Discussion followed.
- G. Review and Approval of DOT Grant – Committee Chairman Blackwood made the motion from the Committee to approve the Agency’s acceptance of the award. With the motion coming out of the Committee and no further discussion, the motion passed. (Attachment F)
- H. Date Change for February Finance and Audit Committee Meeting – Committee Chairman Blackwood stated the scheduled February 6, 2020 Finance and Audit Committee Meeting has been changed to February 5, 2020 at 3:30 p.m. She added that going forward now that we have members, we are looking at scheduling the meetings the last week of the month.

Old Business:

- A. Case Management Update

Mrs. Manos shared a PowerPoint presentation that provided information on Case Management. Discussion followed. (Attachment G)

- B. Sixty Percent Prospective Case Management Payment

Chairman Lemel explained why the Sixty Percent Prospective Case Management Payment was implemented as a safety net and since has been terminated. Commissioner Malphrus made the motion to formally terminate the safety net. Commissioner Thomas seconded. A vote was taken with Commission Unumb abstaining. With no further discussion, the motion passed.

New Business

- A. 2019 Silver Palmetto Award

Mr. McBurney presented information on the 2019 Silver Palmetto Award that is given annually to a city or town in South Carolina that has best demonstrated exceptional support and commitment to the people we serve during the previous year. On motion of Commissioner Thomas, seconded by Commissioner Malphrus and passed, the Commission approved the City of Rock Hill and the City of Greenville be awarded the 2019 Silver Palmetto Award. The award will be presented February 4, 2020, during the annual meeting of the Municipal Association of South Carolina.

B. Financial Update

Mr. Clark provided an overview of the agency's financial activity and the agency's current financial position. Commissioner Blackwood motioned to accept the financial report as presented. Commissioner Malphrus seconded and the motion passed. (Attachment H)

C. Consideration of Bid – Coastal Center Roof Replacement

Mr. Tharin presented information on the bid. It was recommended that a contract be awarded for the Base Bid And Alternate No. One to Exterior Solutions Of Georgia dba Bone Dry Roofing Company of North Charleston, South Carolina in the amount of \$533,176 with permission to award to the second low bidder if this bidder be determined non-responsive or non-responsible. Commissioner Thomas motioned to approve the bid as presented. Commissioner Malphrus seconded and the motion passed. (Attachment I)

D. HASCI Rehabilitation Supports

Ms. Beck provided detailed information regarding the transition from provision of Medicaid State Plan Psychosocial Rehabilitation Services (Rehabilitation Supports). (Attachment J)

State Director's Report

Director Poole reported on various topics. (Attachment K)

Next Regular Meeting

February 20, 2020

Adjournment

On motion of Commissioner Unumb, seconded by Commissioner Malphrus and passed, the meeting was adjourned.

Submitted by,



Sandra Delaney

Approved:

A handwritten signature in blue ink, appearing to read "Lorri Unumb". The signature is stylized and cursive.

Commissioner Lorri Unumb
Secretary

SC COMMISSION ON DISABILITIES AND SPECIAL NEEDS
Commission Meeting
 January 23, 2020

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

- | | | |
|-----|---------------------------|------------------------|
| 1. | ANDREW THARIN | DLSN |
| 2. | CHRIS CLARK | DOSN |
| 3. | Alike Moss | Calhoun DSNB |
| 4. | Jason Tavernier | Laurens Co DSN |
| 5. | Heather Waddell | Tri-Development Center |
| 6. | Susan John | Horry Co DSN |
| 7. | Deborah Heather McPherson | Richland County |
| 8. | Sheela O. Menon | Chester-Lancaster DSNB |
| 9. | Michelle Shaffer | MaxAbility |
| 10. | Sally Baker | Family Connection SC |
| 11. | Ryan Way | Clarendon DSN |
| 12. | Bob Jones | Newberry DSNB |
| 13. | Samantha Favor | P4A |
| 14. | Sarah Brunden | SCIA |
| 15. | TERRY ROGERS | CHESTER Co |
| 16. | Dorothy Goodin | Community Options |
| 17. | Lindsay Daniel | Community Options |
| 18. | Shantana | Lee County |
| 19. | Barbara Oswald | Special Olympics SC |
| 20. | Lynn Dalton | SC DOSN |

SC COMMISSION ON DISABILITIES AND SPECIAL NEEDS
Commission Meeting
January 23, 2020

Guest Registration Sheet

(PLEASE PRINT)

Name and Organization

- 21. Debbie Wilson DDSW
- 22. Thogel Waffer Babcock Center
- 23. Doris Singleton Pine Grove
- 24. _____
- 25. _____
- 27. _____
- 28. _____
- 29. _____
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- 39. _____
- 40. _____

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

A G E N D A

**South Carolina Department of Disabilities and Special Needs
3440 Harden Street Extension
Conference Room 251
Columbia, South Carolina**

January 23, 2020

9:00 A.M.

1. Call to Order *Chairman Gary Lemel*
2. Welcome - Notice of Meeting Statement *Commissioner Lorri Unumb*
3. Adoption of Agenda
4. **Executive Session – will be closed to the public**
5. ***Enter into Public Session – at approximately 10:00 A.M. or later***
6. Invocation *Commissioner Robin Blackwood*
7. Introduction of Guests
8. Approval of the Minutes of the July 18, 2019 Commission Meeting
9. Public Input
10. Commissioners' Update *Commissioners*
11. Commissioners' Business *Chairman Gary Lemel*
 - A. Election of Commission Officer
 - B. Naming of Committee Members
12. Legislative Committee Update *Committee Chairman Lorri Unumb*
Department State Regulations
13. Finance and Audit Committee Update *Committee Chairman Robin Blackwood*
Mr. Chris Clark
 - A. Contract amendments over \$200,000
 - B. Travel directive
 - C. Procurement directive
 - D. 2021 budget plan/request
 - E. Consideration of options to pass State appropriated funds to Case Management and Early Intervention – July to December funding
 - F. Waiver enrollment and Medicaid eligibility to Providers
 - G. Review and approval of DOT grant
 - H. Date Change for February Finance and Audit Committee Meeting
14. Old Business:
 - A. Case Management Update *Ms. Lori Manos*
 - B. Sixty Percent Prospective Case Management Payment *Director Mary Poole*

January 23, 2020 Agenda Continued:

15. New Business:

A. 2019 Silver Palmetto Award

B. Financial Update

C. Consideration of Bid – Coastal Center Roof Replacements

D. HASCI Rehabilitation Supports

Mr. Robb McBurney

Mr. Chris Clark

Mr. Andrew Tharin

Ms. Susan Beck

16 State Director's Report

Director Mary Poole

17. Next Regular Meeting (February 20, 2020)

18. Adjournment

Provider	Current	Increase	NEW	Description
Charles Lea FY 19	\$ 5,690,833	\$ 525,000	\$ 6,215,833	FY 19 adjustment for Respite Payroll shortage
FY 19				
Charles Lea	\$ 5,690,833	\$ 409,167	\$ 6,100,000	Fiscal Agent Respite Payroll adjustment
Jasper Fiscal Agent	\$ 556,345	\$ 79,967	\$ 636,312	ID/RD Attendant Care adjustment
Jasper Fiscal Agent	\$ 4,250,352	\$ 975,592	\$ 5,225,944	Community Supports Waiver Attendant Care Adjustment
Jasper Fiscal Agent	\$ 3,127,053	\$ 191,920	\$ 3,318,973	Fiscal Agent Respite Payroll adjustment
Jasper Fiscal Agent	\$ 4,166,912	\$ 351,859	\$ 4,518,771	HASCI Self-Directed Att Care Fiscal Intermediary Adjustment
FY 20	\$ 17,791,495	\$ 2,008,505	\$ 19,800,000	
Total Payment		\$ 2,533,505		

2020 Capitated Amendments for Review

	Amendment #3	FY 2020	Annual	Description
Pickens DSN Board	Capitated- CTH II	\$ 75,356	\$ 80,409	Restoration of vacancy @ Stewart Drive
Pickens DSN Board	Capitated- SLP II	\$ 162,112	\$ 192,890	Opening of Jericho Project SLP II 5 beds out of 8
Pickens DSN Board	Capitated- SLP I	\$ (20,433)	\$ (22,594)	Termination of SLP I
	Total Payment- Pickens	\$ 217,035	\$ 250,705	

2020 Capitated Amendments for Review

	Amendment #4	FY 2020	Annual	Description
Babcock Center	Capitated- Band B	\$ 372,411	\$ 405,826	Changes in Band B population- net 29 new Band B
Babcock Center	Capitated- CSW	\$ (78,516)	\$ (90,270)	Changes in Band I population- net -6 Band I
				July 1- October 15, 2019
Total Payment- Babcock		\$ 293,895	\$ 315,556	

2020 Capitated Amendments for Review

	Amendment #3	FY 2020	Annual	Description
Pickens DSN Board	Capitated- CTH II	\$ 75,356	\$ 80,409	Restoration of vacancy @ Stewart Drive
Pickens DSN Board	Capitated- SLP II	\$ 162,112	\$ 192,890	Opening of Jericho Project SLP II 5 beds out of 8
Pickens DSN Board	Capitated- SLP I	\$ (20,433)	\$ (22,594)	Termination of SLP I
	Total Payment- Pickens	\$ 217,035	\$ 250,705	

Reference Number: 200-13-DD

Title of Document: Travel Regulations for Disabilities and Special Needs Boards and Contracted Service Providers

Date of Issue: March 15, 2013
Effective Date: March 15, 2013
Last Review Date: ~~August 16, 2016~~
Date of Last Revision: ~~August 16, 2016~~ **XXXX, 2019** (REVISED)

Applicability: All DSN Boards and Contracted Service Providers

I. PURPOSE

This departmental directive provides a uniform travel policy designed to achieve maximum economy while traveling on administrative related business. A traveler on administrative business should exercise the same care in incurring expenses and accomplishing an assignment that a prudent person would exercise if traveling on personal business. Excessive costs, indirect routes, delays or luxury accommodations that are unnecessary and unjustified in the performance of an assignment are not considered prudent. Transportation to and from points of arrival and departure should be accomplished by the most economical method.

Expenditures for travel shall not exceed those allowable under State of South Carolina travel regulations, which are the standard for South Carolina Medicaid cost reporting. Any deviations must receive prior written approval of provider management documenting the reasons and justification thereof.

II. APPLICABILITY

The policy for administrative travel outlined in this directive should be followed by all providers of service for the Department of Disabilities and Special Needs (DDSN), otherwise referred to as

“providers.” Providers include contracted entities providing agreed upon services to individuals on behalf of DDSN.

III. POLICY

Travel expenses may be reimbursed for allowable items up to the amounts permitted according to the following referenced regulations, unless a more restrictive limit has been established by provider management. The regulations governing state travel are specified in the South Carolina Appropriations Act, General Provisions Section 89-X90, the State Plan under Title XIX of the Social Security Act and the Comptroller General’s Office Policies and Procedures Manual (Subsistence: Section 3). A summary of those regulations follows:

Mileage

The South Carolina Appropriations Act allows for reimbursement of business use of a privately owned vehicle when agency vehicles are not reasonably available at a standard business mileage rate equivalent to the rate established by the Internal Revenue Service (IRS). Notification of the current mileage rate is distributed to providers in January each year by the DDSN Finance Office.

Lodging

Overnight travel requests require prior approval by the provider’s Executive Director, or his/her designee. If approved, employees on official agency business more than 50 miles from the employee’s headquarters or residence will be allowed reimbursement for expenses incurred for lodging not to exceed the current allowable rate for the destination city or county per the U.S. General Services Administration’s website (www.gsa.gov).

Meals

Reimbursement for employee meal expenses will be allowed only when there is overnight travel. Exceptions may be approved by the provider’s Executive Director. If an employee’s travel is approved, the employee may be reimbursed for the actual expenses incurred in obtaining meals, not to exceed \$~~25~~ **35** per day, except in areas outside of South Carolina. In this event, the maximum daily reimbursement for meals shall not exceed \$~~32~~ **50**.

Vicki Thompson
Vice-Chairman

Gary Lemel
Chairman

Reference Number: 250-08-DD

Title of Document: Procurement Requirements for Local DSN Boards and Contracted Service Providers

Date of Issue: November 19, 1990

Effective Date: November 19, 1990

Last Review Date: ~~July 25, 2017~~

Date of Last Revision: ~~July 25, 2017~~ XXXX, 2019 (REVISED)

Applicability: All DSN Boards and Contracted Service Providers

I. PURPOSE

The purpose of this document is to establish a uniform, businesslike approach in the procurement of goods and services by county disabilities and special needs (DSN) boards and other contracted service providers to people with disabilities. The directive is intended to ensure that local provider procurement practices maximize the use of funds allocated by the Department of Disabilities and Special Needs (DDSN) for goods and services.

II. APPLICABILITY

This document applies to all county DSN boards, and contracted service providers (hereinafter referred to as “providers”) receiving grants or contract funding from DDSN. This directive was written to be compliant with the South Carolina Consolidated Procurement Code, which may be referenced for additional guidance; however, DSN boards are not required to comply with this code.

III. ADOPTION OF PROVIDER PROCUREMENT POLICIES AND PROCEDURES

All DSN Boards/providers shall establish procurement policies and procedures with requirements at least as restrictive as those contained in this directive. The policies and procedures shall be approved by the DSN Boards/providers governing boards and shall apply to all procurement activities supported

in whole or in part by DDSN funding. If both a nonprofit organization and county DSN boards operate programs in a county, governing boards of both entities should approve the policies and procedures. DDSN shall provide assistance to providers in developing and implementing procurement policies and procedures.

It is possible that a DSN Board is considered to be an agency of a county government and their procurement policy is covered by that county's policy. If a local provider and county government determine that the county government's code pertains to them, it will not be necessary to adopt another set of policies and procedures.

IV. STANDARDS OF CONDUCT

Each DSN Board/provider shall establish and implement a written code of conduct governing the board members, employees, or agents as part of the procurement policy. The code shall specify that no employee, board member, or agent of the local DSN Board/provider shall participate in vendor selection or in the award or administration of a purchase supported by DDSN award funds, if a conflict of interest would be involved. Such a conflict would arise when:

- A. An employee, board member, or agent;
- B. Any member of his or her family;
- C. His or her partner; or
- D. A board/provider which employs or is about to employ any of the above; has a financial or other interest in the firm selected for the purchase. The provider's code of conduct does not have to prohibit awards to these parties, but should prohibit their participation in the selection process or in administration of purchases where there would be a conflict of interest.

The code of conduct also should prohibit employees, board members, or agents from soliciting or accepting personal gratuities, favors, or anything of monetary value from contractors/suppliers, potential contractors/suppliers, or parties.

The State Ethics Code, S.C. Code Ann. § 8-13-10 through § 8-13-1020, governs DSN boards. Non-profit boards shall use the State Ethics Code as a guide in developing codes of conduct.

V. STANDARDS FOR PROCUREMENT POLICIES AND PROCEDURES

The DSN Board/provider's policies and procedures shall ensure that all procurement transactions are conducted in a manner that provides maximum open and free competition. The following guidelines shall be used by the provider in developing procurement policies and procedures:

A. Confidentiality of Price Information

The DSN Board/provider personnel shall not supply information concerning prices to prospective bidders for items or services being procured.

B. Procurement and Source Selection

Direct procurement shall be accomplished by means of a properly authenticated purchase order. A single DSN Board/provider employee (“purchasing official”) should be authorized to approve purchases.

It is recommended that each local DSN Board/provider establish a minimum dollar limit for DSN Board/provider involvement in a purchase. Under such a provision, the DSN Board/provider’s board would have to approve any purchase above that level.

In regard to source selection, the DSN Board/provider’s policies shall apply the following rules to purchases, except for emergency, sole source, and professional services procurements, covered in Sections VIII; C, D, and E.

VI. SOLICITATIONS LIMITS

Below are the solicitation limits as defined by the Consolidated Procurement Code:

A. \$2,500 \$10,000 or less

~~May be accomplished without securing competitive quotations. The purchasing official’s signature affixed to the purchase order constitutes certification that the price is fair and reasonable. Award determination will be made based on recent purchasing experience or knowledge of current markets. When practical, a quotation will be solicited from a source other than the previous supplier of such goods and services.~~

NO COMPETITION: Small purchases not exceeding \$10,000.00 may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition “Price is fair and reasonable” and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase “not in excess of” may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

B. \$2,500.01 to \$10,000.00 \$10,001 to \$25,000

~~Verbal solicitation of no fewer than three (3) written quotes. Award shall be made to the party providing the lowest quote who is also both responsive (provided all information requested) and responsible (able to perform the work). Documentation of the quotations, including “no bid” responses, shall be filed with the official record copy retained by the board/provider for audit purposes. Faxed or emailed quotes acceptable.~~

THREE WRITTEN QUOTES: Written request for written quotes from a minimum of three (3) qualified sources of supply may be made and, unless adequate public notice is provided in

the South Carolina Business Opportunities, documentation of at least three (3) bona fide, responsive, and responsible quotes must be attached to the purchase requisition for a small purchase not in excess of \$25,000.00. The award must be made to the lowest responsive and responsible sources. The request for quotes must include a purchase description. Requests must be distributed equitably among qualified supplies unless advertised as provided above.

C. *Purchases from \$10,000.01 to \$50,000.00 (See Appendix C) \$25,001 to \$100,000*

~~*Written solicitation of written quotes must be made and preferences applied. The procurement must be advertised. Advertised requirements may be met by either advertising in providers local newspaper or in the South Carolina Business Opportunities (SCBO) posted online by the Materials Management Office (MMO) of the State Fiscal Accountability Authority (SFAA). Stated response date for quotes shall be a minimum of seven (7) days from date advertisement appears in print. Written quotations received, including "no bid" responses, shall be filed with the requisition, a clean copy of the written quote, a copy of the vendor listing, a copy of the tabulation sheet, a copy of the award statement and a copy of the advertisement. The above listed documentations will become the official record copy retained by the board/provider. Faxed or emailed quotes accepted. Award shall be made to the party providing the lowest quote with preferences applied who is also both responsive (provided all information requested) and responsible (able to perform the work).*~~

ADVERTISED SMALL PURCHASE: Written solicitation of written quotes, bids, or proposals may be made for a small purchase not in excess of \$100,000.00. The procurement must be advertised at least once in the South Carolina Business Opportunities publication. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

D. *Advertising Threshold*

All competitive procurements above \$25,000.00 must be advertised at least once in the South Carolina Business Opportunities publication. DSN Board/Providers may charge vendors the cost incurred for copying and mailing bid or proposal documents required in response to a procurement.

E. Purchases \$~~50,000.00~~ *\$100,000.01* and higher (See Appendix D)

The "Invitation to Bid" process is used and preferences applied. Formal solicitation using specifications, advertisement and time allowed for clarification of questions. Generally, Sealed Bids should be opened 21 working days from date advertisement appears in print. If a shorter opening is required, then documentation must be noted in file as to why short bid cycled was required. Seven (7) days from the date advertisement appears in print is the shortest opening period allowed. Bids must contain place bids are to be mailed and opened, opening date and time, name and contact information of the person submitting the bid. Bids will be kept secured until opening time and date. Bid opening will be announced at time of opening and no new bids will be accepted. Award shall be made to the party providing the lowest bid with

preferences applied to those bids which are also both responsive (provided all information requested) and responsible (able to perform the work). Faxed or emailed bids are NOT accepted.

VII. SOURCES OF PROCUREMENT

A. State Contract

DSN Boards may utilize the state contracts for their needs. All vendors that have state contracts may not want to participate; however, the first option should be the state contract. The web site is www.procurement.sc.gov. Click on Goods and Services contracts.

B. State Surplus Property

Another source for purchasing by DSN Boards is the State Surplus property office. It is located in West Columbia on Boston Avenue. They have items that are surplus by other state agencies. Some items are in great shape and some are not. They are also the avenue for Federal Surplus which may be purchased. Both have items such as vehicles, furniture, clothing and office supplies and equipment. Their web address is <http://www.ogs.state.sc.us/surplus/SP-index.phtm>.

VIII. PROCUREMENT METHODS

A. Small Purchases (No Quotes)

The Executive Director/CEO should set a limit on a procurement spending level before requiring competition. As listed in section VI, the limit the Material Management Office has set is \$~~2,500.00~~ **10,000.00**. The DSN Board/provider's limit must not exceed this, but does not have to be that high. Also, the Boards/providers can set limits on individual's procurement level. Documentation should be kept with the procurement package for the length of time required for procurements.

~~B. \$2,500.01 to \$10,000.00~~

~~Verbal solicitation of no fewer than three (3) written quotes. Award shall be made to the party providing the lowest quote who is also both responsive (provided all information requested) and responsible (able to perform the work). Documentation of the quotations, including "no bid" responses, shall be filed with the official record copy retained by the board/provider for audit purposes. Faxed or emailed quotes acceptable.~~

~~€B.~~ Written Solicitations

~~For any dollar amount \$10,000.01 or above,~~ A written solicitation with resident vendor preferences applied must be issued prior to making a purchase. The two primary solicitation methods are:

1. Request for Quote (see Appendix C) and

2. Invitation for Bids (see Appendix D)

Both of these methods afford the opportunity to specify the requirements and the terms under which the procurement is to be conducted. These specifications must contain clear and precise information to ensure that needs are satisfied as intended. If they are left too ambiguous, a vendor will be able to use their own interpretation of the requirement in order to fulfill it by means best suiting themselves as opposed to the DSN Board/provider. Care must also be taken not to make the specifications so restrictive that they unnecessarily reduce the number of Offerors. In short, specifications should be written so that an Offeror can be both responsive and responsible. Written solicitations are used to encourage competition, so the more Offerors that are willing and capable of doing the work, the more likely you are to receive the best possible price.

Competition is promoted through the mandatory advertisement of written solicitations. These advertisement requirements, in the case of the Invitation For Bids, must be met by advertising in South Carolina Business Opportunities online magazine which is posted daily by the Materials Management Office of SFAA. When issuing a Request for Quotes, this requirement may also be met through advertisement in the providers' local area newspaper(s). Consideration on all advertisements must be given as to the actual print date of the advertisement versus the opening/submission deadline date of the solicitation, including any holiday schedules. A copy of each advertisement must be maintained as part of the procurement record. Refer to the documentation in Appendices A through L for more detailed information on South Carolina Business Opportunities.

Once a solicitation has been issued, specifications may only be changed through the issuance of a written amendment. An amendment must also be used to respond to any questions asked by prospective Offerors so that each has access to the same information when submitting a bid/quote. Amendments must be sent to each vendor to whom a copy of the solicitation has already been sent. Following the issuance of an amendment, should a copy of the solicitation be requested, that prospective Offeror will be supplied with a copy of the solicitation and any amendments that have been issued. The issuance of amendment often necessitates the need to extend the bid opening/deadline for submission and must be taken into account. Such an extension may be included in any amendment.

Following the bid opening/deadline for submission, the bids/quotes received must be tabulated. In all cases, the award shall be made via written notice to the lowest bidder/Offeror with preferences applied that is responsive, qualified, and able to meet the requirements defined in the solicitation. A responsive bidder/Offeror is one that responds to a solicitation by providing everything requested of them within the timeframe defined in the solicitation.

(i) Written Request for Quotes (Appendix C)

This is a simplified solicitation method that does not require adherence to the sealed bidding procedures. If upon **verbally soliciting quotes following the three (3) written quote rule** and the lowest responsive and responsible quote received is over **\$10,000 25,000.00**, then the purchase cannot be made by this method and a Request for Quote must be conducted prior to making the purchase.

The deadline for submission of quotes must be set no sooner than seven (7) days after the required advertisement appears in the applicable periodical. Potential Offerors must have sufficient time to receive the solicitation and respond to it prior to the submission deadline. Following the deadline for submission of quotes, each quote received will be tallied on the quote Tally Sheet (located in Appendix C).

Following release of the award statement, a copy of the solicitation and each of the quotes received must be retained with your procurement records.

For more detail concerning the Request for Quotes solicitation method, please refer to Appendix C which includes the template documents necessary to complete such procurements. The use of these templates is strongly encouraged when utilizing the Request for Quotes solicitation method. Also included is a reference sheet providing more specific procedures and an explanation of each of the templates provided.

(ii) Invitation for Bids (Appendix D)

The Invitation for Bids is utilized as part of a more comprehensive method of procurement that is used when making higher value purchases. Should you conduct a Request for Quote and the lowest responsive and responsible quote is above \$**50,000** **100,000.00**, that Request for Quote must be cancelled and an Invitation for Bid must be conducted prior to making the purchase.

Invitation for Bids require strict adherence to the sealed bidding procedures. Written on the Invitation For Bids must be the date and time of the bid opening and, if you choose to apply one, the deadline for questions to be submitted. Bids may not be opened prior to the stated bid opening date and time, and only opened by a procurement official and witness. They must be kept secure and unopened until the time for opening has arrived. Any questions received in response to the solicitation must be answered in the form of a written amendment.

All Invitation for Bids must be advertised in the South Carolina Business Opportunities publication with the ad being published no sooner than seven (7) days prior to the bid opening. If a deadline for questions is defined on the solicitation documents, then the ad must appear no sooner than 12 days prior to the bid opening. The question deadline must be timed carefully to allow prospective bidders time enough to examine the solicitation and formulate questions. The amendment must be issued with sufficient time for the prospective bidders to receive and review the answers and then submit their bids.

Bid openings must be tallied and then initialed both by the individual opening the bids and a witness. The tally must be made open to public inspection at that time.

Award statements must be posted at a location identified in the solicitation document. It is recommended that this location be the same location at which the bid opening is held. It is further recommended that a notebook be maintained which contains all award statements.

For more detail concerning the Invitation for Bid solicitation method, please refer to Appendix D which includes the template documents necessary to complete such procurements. The use of these templates is strongly encouraged when utilizing the Request for Quotes solicitation method. Also included is a reference sheet providing more specific procedures and an explanation of each of the templates provided.

C. Request for Proposal (RFP)

The RFP process is a complicated procurement method which should only be attempted by experienced procurement personnel. Boards/Providers wanting to issue an RFP must contact DDSN Procurement in advance for guidance.

The award shall be made via written notice, signed by the Executive Director/CEO of the DSN Board/provider. This document shall be sent to each Offeror that submitted a proposal.

D. Emergency Procurements

The DSN Board/provider chief administrator may make or authorize others to make emergency procurements only when there exists an immediate threat to a consumer's health, welfare or safety under emergency conditions; and provided that such emergency procurements shall be made with as much competition as is practicable under the circumstances.

The DSN Board/provider purchasing official shall complete the Justification for Emergency Procurement form to include:

- 1) Description of goods or services to be procured,
- 2) The name of the emergency contractor, and
- 3) The determination and basis for the emergency procurement as it relates to the threat to consumer's health, welfare, or safety.

The justification shall be prepared as soon as possible following the emergency and then approved by the DSN Board/provider's chief administrative officer. A copy of the approved Justification for Emergency Procurement must be maintained in the file with the Purchase Order for audit purposes.

If the emergency procurement was made by a person without designated procurement authority, his or her action must be approved by the chief administrative officer and governing board and documented accordingly with the file copy of the purchase order.

When a purchase has a total or potential value in excess of \$50,000.00, notice of the award must be posted in the South Carolina Business Opportunities publication as soon as practicable thereafter. The posted notice must contain a statement of the right to protest.

E. Sole Source Procurement

A contract may be awarded for a supply, service, information technology, or construction item without competition if under strict regulations, the DSN Board/provider's chief administrative officer determines in writing that there is only one source for the supply, service, information

technology, or construction item. Note, a sole source procurement is not to be used to select a certain contractor, but rather because no other source is suitable or acceptable.

The Justification for Sole Source Procurement form must be completed to include:

- 1) Description of goods or services to be procured;
- 2) The name of the sole source contractor; and
- 3) The determination and basis for the sole source procurement and why no other source is suitable. In cases of reasonable doubt, competition must be solicited.

Violations of these sole source regulations by DSN Boards/providers may result in the suspension of their sole source authority for up to one year.

When a purchase has a total potential value of \$50,000.00 or more, adequate public notice of the intent to award without competition must be posted in the South Carolina Business Opportunities publication, except that public notice is not required if the appropriate chief procurement officer, after consultation with the head of the purchasing agency, determines in writing that award without such notice is in the interest of the State. Notice must contain a statement of the right to protest and must be posted at least five (5) business days before entering a contract. For contracts with a total potential value greater than \$250,000.00, such notice must be posted at least 10 business days before entering a contract.

F. Professional Services Source Selection

The DSN Board/provider shall establish separate procedures for procurement of professional services including, but not limited to, legal, auditing, medical, dental, psychological, therapy services, real estate agents, etc. These services should be procured on a fee basis rather than on a competitive bidding basis. Procedures should ensure evaluation of the reasonableness of the fees consistent with DDSN Directive 250-05-DD: Cost Principles for Grants and Contracts with Community Providers. If seeking competition for professional services, the DSN Board/provider may consider issuing an RFP which enumerates specifications/requirements.

G. Unauthorized Procurements

Except in emergencies, no person may obligate funds to a purchase without the requisite authority to do so. The DSN Board/provider shall establish procedures for handling unauthorized purchases with the following guidelines:

1. The chief administrative officer may ratify the unauthorized act of an employee who purchases or obligates funds to a purchase for amounts below \$500.
2. The chairman of the local DSN Board/provider's governing board must ratify unauthorized purchases above \$500.
3. The DSN Board/provider's chief administrative officer shall prepare a written report to the board/provider chairman on the facts and circumstances, corrective action taken to prevent recurrence, action taken against the individual committing the unauthorized purchasing act, and documentation concerning whether or not the price paid was fair

and reasonable. If the price paid is unreasonable, the individual may be held pecuniarily liable for the difference.

The DSN Board/provider shall establish appropriate disciplinary actions for employees who make unauthorized purchases.

H. Blanket Purchase Agreements (See Appendix B)

The DSN Board/provider may use blanket purchase agreements or purchase orders (BPO) for the direct procurement of small quantities of supplies and services. This may be accomplished by establishing charge account agreements with qualified suppliers. Normally, the items or services are those for which there is a recurring demand such as food preparation supplies, spare parts, and routine services for the repair of building systems, equipment, and vehicles. The following procedures shall be established for Blanket Purchase Orders:

1. A separate blanket purchase order shall be issued for each supplier. The Blanket Purchase Orders and any attached agreement shall conform to guidelines set forth in Appendix B.
2. A single call (delivery or pickup) may not exceed \$300 unless accompanied by a separately identified purchase order signed by the authorized purchasing official.
3. Suppliers shall be notified immediately when a provider employee is no longer authorized to place calls or receive supplies or services.
4. Blanket purchase orders may not be issued in excess of a 12 month period. If renewed, a new purchase order, bearing a different purchase order number shall be issued.

I. Purchase Order Register

It is recommended that the DSN Board/providers purchasing regulations require maintenance of a register of all purchase orders issued to vendors or that the information listed below is readily available in DSN Board/provider records. This register would include the following information:

1. Number assigned the purchase order.
2. Issue date of the purchase order.
3. Name of vendor.
4. Total dollar value of the purchase order at time of issue.

J. General Supply Procedures

The DSN Board/provider purchasing rules shall include the following requirements:

1. When supplies, equipment, and services related thereto are needed, it is recommended that the DSN Board/provider require the user to state his or her needs on a Request for Issue of Purchase Order form (requisition).
2. Personnel authorizing procurements are not authorized to certify receipt of goods or services, except under emergency situations.
3. Receiving, storage and distribution procedures at each DSN Board/provider site may vary somewhat due to differences in staff size, storage space limitations, distribution methods, geographical location, physical plant characteristics, and other cost effectiveness considerations. However, the following general procedures and practices represent minimum procedural requirements that must be established by every DSN Board/provider:
 - a. Written operating procedures shall be maintained to guide personnel who receive, store, and distribute goods.
 - b. Procedures must include detailed instructions on the following subjects:
 - Comparison of merchandise received with identity and quantity information on packing slips and with items ordered as shown on the receiving copy of a purchase order or other receiving file document;
 - Inspection for damaged items on items of lower quality than specified;
 - Documentation of delivery or pick up of goods by personnel authorized in writing by the appropriate director to certify receipt;
 - Procedures for documentation of contractual services performed.

IX. PROPERTY DISPOSAL

The DSN Boards/providers should have a policy on the disposal of property to ensure no favoritism is shown in this area. Suggestions on how to handle this is to have a form that describes the item no longer needed. This form will require two signatures; one should be the Executive Director/CEO or his/her designee and the Chief Finance Officer. Information for the form will include description, acquisition price, current value (estimated) and condition. If the item is no longer needed and considered junk, it should be put in the dumpster. It is not to be given to anyone. If the item has any value, allow all interested parties an opportunity to bid on it. These suggestions are offered to reduce confusion. If there is a policy in place, use it; if not create one.

X. APPROVAL OF POLICIES AND PROCEDURES

The DSN Board/provider's procurement policies and procedures shall be maintained as part of other board policies and procedures and shall be subject to review during program and financial audits and reviews. Any variance of the local DSN Board/provider's policies and procedures from this procedural document shall be approved in writing by DDSN's Director of Procurement Services. It is not necessary for the DSN Board/provider to submit to DDSN policies and procedures for approval. However, the DDSN Director of Procurement Services will provide assistance to the DSN

Board/provider in developing and implementing procurement policies and will review documents upon request.

XI. PROTESTS PROCEDURES

The soliciting for a product or service must be obtained so that all potential contractors who can provide that product or service can respond fairly. If a contractor thinks a solicitation has been written too restrictive or that an award over \$50,000.00 was made without proper merit, they may file a protest. ***Protests must be filed within 15 business days of the date of issuance of the solicitation.***

DSN Boards/providers should establish a protest procedure(s) and it should be part of their procurement procedures. Also, a written copy should be kept separately as a desk top file. The procedures for administering a protest should be written with the approval of the Executive Director and a copy should be sent to DDSN's Director of Procurement Services for review and guidance. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the Board's/Provider's chief officer in timely manner.

Suggestions For Accepting, Hearing And Solving A Protest

The best way to avoid a protest is to make sure the solicitation is written so that the business community can understand it. When soliciting for a product or service, consult that industry of professionals. Chances are they can give you a better understanding on how to obtain a better quote. Sometimes while writing a quote we may make it so restrictive that it prevents some contractors from responding. This of course limits competition. The solicitation should list who the procurement person is for that solicitation. It should also list the name, phone number, email address, physical address, room and time where the bid will be opened. This same information is to be used for filing a protest.

Who Can File A Protest

Any vendor or contractor that feels they have been aggrieved by the bid process. A protest is restricted to purchases with a potential value of \$50,000.00 or more. Any protest for less than that amount should be returned to the originator of the protest with explanation as to why the protest will not be heard. The protest should be filed with the procurement official and can be sent by regular USPS mail or email. The protest must contain the signature of the person authorized to make business decisions on behalf of the contractor or vendor. ***The protest must be filed within a timely manner.***

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall notify the appropriate chief procurement officer in writing of its intent to protest within seven (7) business days of the date that award or notification of intent to award, whichever is earlier, is posted and sent in accordance with the directive. Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within 15 days of the date award or notification of intent to award, whichever is

earlier, is posted and sent in accordance with the directive; except that a matter that could have been raised as a potential bidder as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

After receiving the protest, the procurement official will inform the Executive Director and then attempt to resolve the issue that prompted the protest. If the negotiations do not net any positive results, the protest will then be passed on to the Executive Director. The Executive Director may elect to meet with the filer of the protest or they may rule for or against the filer. Because the DSN Board/provider is not an appointed agency, the Executive Director's decision will be final.

Vicki Thompson
Vice-Chairman

Gary Lemel
Chairman

Summary:

These changes were approved to make the job of purchasing easier. It is recommended if possible that the Board/Provider have a designated procurement official to handle procurement issues. All procurements should start with a requisition that explains exactly what the user needs or wants. Carefully reading each request will help reduce errors, complaints, and protest. Remember to take the time to listen to the end user. Get as many people involved in the purchase as you can. Always ask the end user to write their specifications and review them together. The number one thing that will cause an interruption in a bid solicitation is weak or insufficient specifications. Remember things like warranties, types of materials, deadlines, building permits, licenses, bonds and insurance. These items, if left unmentioned, could cause problems later. Do not allow yourself to be rushed; it takes time to put a solicitation, get responses, evaluate the bids and make an award. After reviewing the specs, talk to several vendors and tell them you are putting out a bid for an item and ask for their suggestions. Get as much information about the item you are trying to buy as possible. Follow your written procedures, ask questions when not sure and you will have a better chance at having a successful procurement.

To access the following attachments, please see the agency website page "Current Directives" at: <https://www.ddsn.sc.gov/providers/directives-and-standards/current-directives>

Appendix A: Procurement Exemptions

Appendix B: Blanket Purchase Agreements

Appendix C: Requests for Quotes

Appendix D: Invitations for Bids/Solicitation Template

Instructions
Amendment Template
Verification Sheet
Tally Sheet Template
Award Template

Instructions
Amendment Template
Emergency Procurement Justification
Sole Source Justification
Verification Sheet
Tally Sheet Template
Award Template

Attachment E

DDSN FY21 Budget Request						
Priority	Program Need	Type	State Funds	Medicaid Match	Total	Governor's Budget
1	Residential Service Rate Increase	Recurring	\$ 2,900,000	\$ 7,100,000	\$ 10,000,000	Yes
2	Respite Service Rate Increase	Recurring	\$ 2,090,000	\$ 5,083,733	\$ 7,173,733	Yes
3	Early Intervention Increase	Recurring	\$ 755,000	\$ 1,018,035	\$ 1,773,035	Yes
4	Residential Supports Increase	Recurring	\$ 807,312	\$ 1,964,100	\$ 2,771,412	No
5	HASCI Waiver Slot Increase	Recurring	\$ 430,000	\$ 1,046,141	\$ 1,476,141	Yes
6	State Plan Rate Increase for Nursing, Attendant Care, and Adult Day Healthcare	Recurring	\$ 5,135,000	\$ 12,525,000	\$ 17,660,000	Yes
7	Post-Acute Specialized Rehabilitation for TBI & SCI Utilization Increase	Recurring	\$ 500,000	\$ -	\$ 500,000	Yes
8	Appropriation Transfer from SCDHHS for "First Filled Slots"	Recurring	\$ 762,665	\$ 1,851,888	\$ 2,614,553	Yes
	Subtotal Recurring Budget Request	Recurring	\$ 13,379,977	\$ 30,588,897	\$ 43,968,874	
9	Electrical Grid for Coastal Center	Non-Recurring	\$ 1,500,000	\$ -	\$ 1,500,000	Yes
10	Transfer of 65 Legacy State Owned Facilities to Providers	Non-Recurring	\$ 487,500	\$ -	\$ 487,500	Yes
11	Greenwood Genetics Center SC Genomic Medicine Initiative	Non-Recurring	\$ 2,000,000	\$ -	\$ 2,000,000	Yes
	Subtotal Non-Recurring Budget Request	Non-Recurring	\$ 3,987,500	\$ -	\$ 3,987,500	
	Total Budget Request	All	\$ 17,367,477	\$ 30,588,897	\$ 47,956,374	Yes

SFY2019-2020

(FFY2019)

LEGAL & AUTHORIZING SIGNATURES

Updated March 15, 2019

Office of Public Transit

Signature of Authorization Form
REQUIRED OF ALL APPLICANTS

Agency Name: South Carolina Department of Disabilities and Special Needs	Telephone: (803) 898-9600 Web Address: www.ddsn.sc.gov
Primary Mailing Address/City/State/Zip: 3440 Harden Street Extension Columbia, SC 29203	Secondary Address/City/State/Zip: PO Box 4706 Columbia SC 29240
Federal ID Number: 57-6000286	DUNS: 808385447

Contractual Agreements

Shown below are original signatures of individuals authorized to sign contractual agreements for this agency.

Type Name: Mary PooleTitle: State DirectorEmail: mpoole@ddsn.sc.govPhone: (843) 898-9623Original Signature and DateType Name: Patrick MaleyTitle: Deputy DirectorEmail: pmaley@ddsn.sc.govPhone: (843) 898-9697Original Signature and DateType Name: Chris ClarkTitle: Chief Financial OfficerEmail: chris.clark@ddsn.sc.govPhone: (803) 898-4084Original Signature and Date

Type Name: _____

Title: _____

Email: _____

Phone: _____

Original Signature and Date

SFY2019-2020
(FFY2019)
LEGAL & AUTHORIZING SIGNATURES
Updated March 15, 2019

Authorization to Access Electronic System

Shown below are original signatures of individuals authorized to access the Office of Public Transit electronic system(s) to initiate and approve documents for this agency.

Preparers:

Type Name: Deborah K. Smith

Title: Regional Representative

Original Signature and Date

Email: dsmith@ddsn.sc.gov

Phone: (843) 664-2625

Type Name: _____

Title: _____

Original Signature and Date

Email: _____

Phone: _____

Type Name: _____

Title: _____

Original Signature and Date

Email: _____

Phone: _____

Approvers:

Type Name: John Hitchman

Title: Director, Community Operations

Original Signature and Date

Email: jhitchman@ddsn.sc.gov

Phone: (843) 832-5567

Type Name: _____

Title: _____

Original Signature and Date

Email: _____

Phone: _____

SFY2019-2020

(FFY2019)

LEGAL & AUTHORIZING SIGNATURES

Updated March 15, 2019

(Required of all Subrecipients of funding administered by SCDOT OPT)

RESOLUTION BY BOARD OF DIRECTORS TO APPLY FOR FUNDING

The Board of Directors of South Carolina Department of Disabilities and Special Needs
(agency)

is aware of the provisions of Federal Transit Administration (FTA) program fund requirements for each application it makes to the state of South Carolina for Federal and/or State funding and hereby authorizes Chris Clark, CFO (*authorized representative) of South Carolina Department of Disabilities and Special Needs

(Agency) to file application with the South Carolina Department of Transportation (SCDOT) on behalf of South Carolina Department of Disabilities and Special Needs (agency) for federal and/or state funding to assist in providing community and/or human services transportation services. If this application is approved:

(1) The Board resolves that the South Carolina Department of Disabilities and Special Needs (agency) will provide the required match for the capital, operations and administrative charges, the necessary insurance coverage as required under the agreement, and all necessary local match for operating losses; and

(2) The Board agrees to comply with all FTA and SCDOT Program statutes and regulations, directives, certifications and assurances to carry out the project as described in the application.

**Note that Authorized Representative and Witness MUST be 2 separate individuals (2 different names).*

APPROVED AND ADOPTED

This _____ day of _____, 20_____.

*

Signature of Attesting Witness

Signature of Chairperson

Printed Name of Attesting Witness

Gary Lemel

Printed Name of Chairperson

SFY2019-2020

FFY2019

Updated March 15, 2019

(Required of all Subrecipients of funding administered by SCDOT OPT)

ATTORNEY'S CERTIFICATION
FOR
APPLICANT TO APPLY FOR FUNDING

I have examined the (charter, articles of incorporation, enabling legislation, etc.) under which
South Carolina Department of Disabilities and Special Needs
_____ (Agency) is legally eligible to apply for funding under
Federal Transit Administration statutes and regulations, directives, certifications and
assurances. It is my opinion South Carolina Department of Disabilities and Special Needs
_____ (Agency) can legally enter
into contracts with the State of South Carolina for the purpose of carrying out the proposed
program(s) and meets the eligibility requirements of funded grant programs.

Signature of Attorney

Tana Vanderbilt

Printed Name of Attorney

Date

SFY2019-2020

FFY2019

Updated March 15, 2019


South Carolina SFY2019-2020

**FEDERAL FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES FOR FEDERAL
TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

(Required of All 5310/5311/5339 or other FTA Fund Applicants / Subrecipients)

Signature pages alternate to providing Certifications and Assurances in TrAMS.

Name of Applicant: South Carolina Department of Disabilities and Special Needs

The Applicant certifies to the applicable provisions of categories 01–18,  (Initial)

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01	Certifications and Assurances Required of Every Applicant
02	Tax Liability and Felony Convictions
03	Lobbying
04	Private Sector Protections
05	Transit Asset Management Plan
06	Rolling Stock Buy America Reviews and Bus Testing
07	Urbanized Area Formula Grants Program
08	Formula Grants for Rural Areas
09	Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program
10	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs
11	Enhanced Mobility of Seniors and Individuals with Disabilities Program
12	State of Good Repair Grants
13	Infrastructure Finance Programs
14	Alcohol and Controlled Substances Testing
15	Rail Safety Training and Oversight
16	Demand Responsive Service
17	Interest and Financing Costs
18	Construction Hiring Preferences

SFY2019-2020
FFY2019
Updated March 15, 2019

FEDERAL FISCAL YEAR 2018 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for federal assistance to be awarded by FTA in FY 2019)

AFFIRMATION OF APPLICANT

Name of the Applicant: South Carolina Department of Disabilities and Special Needs

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2019, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2019.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name Chris Clark
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): South Carolina Department of Disabilities and Special Needs

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name Tana Vanderbilt
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

SFY2019-2020

FFY2019

Updated March 15, 2019

LOCAL MATCH IDENTIFICATION FOR FTA PROGRAM FUNDING
 South Carolina Department of Disabilities and Special Needs

 (Legal Name of Applicant)

 Program (e.g., 5311, 5339, SMTF, 5310)*

Eligible Expense	Total Amount	Federal Share	SCDOT Share	Estimated Local Share
Administration	\$ _____	\$ _____ (80%)	\$ _____	\$ _____
Operations	\$ _____	\$ _____ (50%)	\$ _____	\$ _____
Capital (Non- ADA or CAA)	\$ _____	\$ _____ (80%)	\$ _____	\$ _____
Capital (ADA & CAA)	\$ <u>64,706</u>	\$ <u>55,000</u> (85%)	\$ _____	\$ <u>9,706</u>
Planning & Technical Assistance	\$ _____	\$ _____ (80%)	\$ _____	\$ _____
Mobility Management	\$ _____	\$ _____ (80%)	\$ _____	\$ _____
TOTAL	\$ <u>64,706</u>	\$ <u>55,000</u>	\$ _____	\$ <u>9,706</u>
	Funding Request	Federal Share	Estimated SCDOT Share	Estimated Local Share

The estimated total Local Match will be available from the following sources*:

<u>Source of Local Share</u>	<u>Amount</u>
Operating Budget _____	\$ <u>9,706</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

*Cash fares are not considered a source of local match.

TOTAL \$ 9,706

*complete a single local match form for each project award (e.g.: one for small urban 5310 and one for rural 5310)

I, the undersigned representing (legal name of agency) South Carolina Department of Disabilities and Special Needs do hereby certify to the South Carolina Department of Transportation that the required estimated local match for the requested Federal and/or State administered program, which has a period of performance of **July 1, 2019** – **June 30, 2020**, will be available by **July 1**. In kind match must be an allowable expense under the program and value documented for audit/compliance review.

 Signature/Title of Authorized Representative

Chris Clark, Chief Financial Officer

 Printed Name/Title of Authorized Representative

 Date

SFY2019-2020
(FFY2019)
PROGRAM SIGNATURE DOCUMENTS

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
FFY2019
MASTER AGREEMENT (22)

(Required of All 5310/5311/5339 or other FTA Fund Applicants / Subrecipients)

PREFACE

Statutory Authorities

This is the official Federal Transit Administration (FTA) Master Agreement that applies to each Underlying Agreement (Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, or Line of Credit) for a specific Award authorized by:

- Federal transit laws, 49 U.S.C. chapter 53, as amended, by the following:
 - The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015,
 - The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law No. 112-141, July 6, 2012, as amended by the "Surface Transportation and Veterans Health Care Choice Improvement Act of 2015," Public Law No. 114-41, July 31, 2015, and other authorizing legislation to be enacted, and
 - The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law No. 109-59, August 10, 2005, as amended by the SAFETEA-LU Technical Corrections Act of 2008, Public Law No 110-244, June 6, 2008.
- Continuing Resolutions or Other Appropriations Resolutions or Acts funding the Department of Transportation during Fiscal Year 2016.
- Title 23, United States Code (Highways).
- Other federal legislation FTA administers, as FTA so determines.

Purpose of the Master Agreement

This FTA Master Agreement contains the standard terms and conditions governing the administration of the Project that FTA has financed with Federal assistance (funds or funding) awarded through an Underlying Agreement with the Recipient, which can take the form of any:

1. FTA Grant Agreement, including an FTA Grant Agreement for a Tribal Transit Program Project,
2. FTA Cooperative Agreement, or
3. FTA Transportation Infrastructure Finance Innovation Act (TIFIA) Loan, Loan Guarantee, or Line of Credit.

The general terms and conditions contained in Federal Transit Administration's Master Agreement shall be followed subject to any additions, revisions or modifications required by FTA, SCDOT and/or State of South Carolina. Any violation of a requirement in the Master Agreement applicable to the Subrecipient or this project may result in penalties to the violating party. Requirements that do not apply to Subrecipients or this project will not be enforced.

Acknowledgement of FTA Master Agreement:

Signature: _____ Date: _____
Authorized Representative of Applicant

Title: Chief Financial Officer

SFY2019-2020
(FFY2019)
PROGRAM SIGNATURE DOCUMENTS

FFY2019 FTA Master Agreement (22) language is contained in a separate document

FFY2019 FTA Certifications and Assurance language is contained in a separate document

SFY2019-2020
(FFY2019)
PROGRAM SIGNATURE DOCUMENTS

**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING
APPLIES TO ALL APPLICANTS**

I, Chris Clark, Chief Financial Officer

(Name and title of authorized official)

hereby certify to the South Carolina Department of Transportation, on behalf of

South Carolina Department of Disabilities and Special Needs *(Agency Name)* that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal department or agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification thereof.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions (as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (11/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at Title 2 USC section 1601: et seq.)).

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC Section 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature/Title of Authorized Representative
Chris Clark, Chief Financial Officer

Printed Name/Title of Authorized Representative

Date

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**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS—
PRIMARY COVERED TRANSACTIONS
APPLIES TO ALL APPLICANTS**

The Applicant/Subrecipient under this FTA project South Carolina Department of Disabilities and Special Needs
(Name of Agency)

certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and have not, within a three year period preceding this application/proposal, had one or more public transactions (Federal, State or local) terminated for cause or default;
- (d) Have not, within a three year period preceding this application/proposal, had one or more public transactions (Federal, State or local) terminated for cause or default.

Subrecipient will review the U.S. GSA "System for Award Management," <https://www.sam.gov>, if required by U.S. DOT regulations, 2 C.F.R. part 1200, and

(a) It will include, and require each Third Party Participant to include, a similar provision in each lower tier covered transaction, ensuring that each lower tier Third Party Participant:

- 1. Will comply with Federal debarment and suspension requirements, and
- 2. Reviews the "System for Award Management (SAM)" at <https://www.sam.gov>, if necessary to comply with U.S. DOT regulations, 2 C.F.R. part 1200

(If the applicant/subrecipient is unable to certify to any of the statements in this certification, such Grantee shall attach an explanation to this certification).

THE APPLICANT/SUBRECIPIENT, South Carolina Department of Disabilities and Special Needs
(Name of Agency)

CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF TITLE 49 CFR PART 29 AND FTA CIRCULAR 2015.1 ARE APPLICABLE THERETO.

Signature/Title of Authorized Representative

Chris Clark, Chief Financial Officer

Printed Name/Title of Authorized Representative

Date

SFY2019-2020
(FFY2019)
PROGRAM SIGNATURE DOCUMENTS

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION –
LOWER-TIER COVERED TRANSACTIONS
APPLIES TO ALL APPLICANTS**

The Applicant/Subrecipient under this FTA project South Carolina Department of Disabilities and Special Needs
(Name of Agency)

certifies to the best of its knowledge and belief, that it and its prospective lower-tier participants:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- (b) if the prospective lower-tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this certification.
- (c) that subrecipient will review the “System for Award Management (SAM)” at <https://www.sam.gov>, to ensure that lower-tier participants are not debarred or suspended, if necessary to comply with U.S. DOT regulations, 2 C.F.R. part 1200

THE APPLICANT/SUBRECIPIENT,

South Carolina Department of Disabilities and Special Needs

(Name of Agency)

CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF TITLE 49 CFR PART 29 AND FTA CIRCULAR 2015.1 ARE APPLICABLE THERETO.

Signature/Title of Authorized Representative

Chris Clark, Chief Financial Officer

Printed Name/Title of Authorized Representative

Date

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PROGRAM SIGNATURE DOCUMENTS

TITLE VI PROGRAM REPORT

APPLIES TO ALL APPLICANTS

Reporting Period: July 1, 2018 – Present

Legal Name of Applicant: South Carolina Department of Disabilities and Special Needs

I certify that to the best of my knowledge that no complaints or lawsuits alleging discrimination have been filed against the applicant during the reporting period.

OR

The following Title VI complaints or lawsuits alleging discrimination have been filed with the applicant during the reporting period:

Complainant Name/Address/Telephone Number	Date	Description	Contacted SCDOT Title VI Office? (Y/N) and Date	Status/Outcome

(Attach an additional page if required.)

I certify that to the best of my knowledge that the statement above is true and correct for the requested reporting period.

Signature/Title of Authorized Representative

Tana Vanderbilt, Attorney

Printed Name/Title of Authorized Representative

_____ Date

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Updated March 15, 2019

STATEMENT

**REGARDING THE MAXIMUM UTILIZATION OF
DISADVANTAGED BUSINESS ENTERPRISES (DBEs)**

APPLIES TO ALL APPLICANTS

To the extent authorized by applicable Federal law and regulation, the applicant agrees to facilitate, and assures that each Third Party Participant will facilitate participation by small business concerns owned and controlled by socially and economically disadvantaged individuals, also referred to as "Disadvantaged Business Enterprises" (DBEs), in the Project.

THE APPLICANT expresses its commitment to use SCDOT Certified DBEs in all aspects of contracting to the maximum extent feasible. The goals will be set and incorporated into your grant agreement.

THE APPLICANT or its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that certified DBEs have the maximum opportunity to compete for and perform contracts.

THE APPLICANT will make every effort to locate certified DBEs and purchase materials and services for use in the applicant's grant. THE APPLICANT shall document the steps it intends to take and has taken to obtain DBE participation.

THE APPLICANT is advised that should they find responsible and responsive certified DBEs from which they can purchase these materials or services it will then ensure and affirm that the DBE firm is eligible to receive payment through this grant agreement. SCDOT will make available names of DBEs, that they have certified, that have the capability to furnish these materials (published as the SCDOT Unified DBE or SBE Directory).

All bidders, proposers and contractors will receive notice of THE APPLICANT'S commitment to the DBE through mail-outs and pre-bid notifications. DBE participation will be a factor in awarding contracts and will be monitored during the performance of the contract.

The APPLICANT is responsible for submitting DBE quarterly reports to SCDOT as required for all applicable Federal programs administered and awarded by SCDOT. Supporting documentation for DBE quarterly reports shall be retained by the applicant for a period of three (3) years following closeout of the contract.

Failure to carry out the requirements set forth in 49 CFR Part 26 shall constitute a breach of contract and, after the notification to FTA and the SCDOT Office of Public Transit, may result in termination of the grant agreement by SCDOT or such remedy as SCDOT deems appropriate.

Signature of Authorized Official

Date

CFO

Title of Authorized Official

DBE GOOD FAITH EFFORTS CERTIFICATION
APPLIES TO ALL APPLICANTS

This is to certify that in all purchase and contract selections the Applicant is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:

- Write a letter to Certified DBEs in the service area to inform them of purchase or contract opportunities;
- Document telephone calls, emails and correspondence with or on behalf of DBEs;
- Advertise purchase and contract opportunities on local TV Community Cable Network;
- Request purchase/contract price quotes/bids from DBEs;
- Monitor newspapers for new businesses that are DBE eligible;
- Encourage interested eligible firms to become SCDOT certified. Interested firms should contact the SCDOT Office of Business Development and Special Programs (DBE Program Development Unit);
- Consult SCDOT Unified DBE or SBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this Directory at
- Other efforts: Describe: State Agency - follow State Procurement practices

Documentation of all good faith efforts shall be retained by the applicant for a period of five (5) years.

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts of:

South Carolina Department of Disabilities and Special Needs

Agency Name

Signature/Title of Authorized Representative

Chris Clark, Chief Financial Officer

Printed Name/Title of Authorized Representative

Date

APPLIES TO ALL APPLICANTS**Other Provisions****ETHICS ACT**

By submitting an application, the Applicant certifies that they have and will comply with, and have not, and will not, induce a person to violate Title 8, Chapter 13 of the South Carolina Code of Laws, as amended (ethics act). The following statutes require special attention: Section 8-13-700, regarding use of official position for financial gain; Section 8-13-705, regarding gifts to influence action of public official; Section 8-13-720, regarding offering money for advice or assistance of public official; Sections 8-13-755 and 8-13-760, regarding restrictions on employment by former public official; Section 8-13-775, prohibiting public official with economic interests from acting on contracts; Section 8-13-790, regarding recovery of kickbacks; Section 8-13-1150, regarding statements to be filed by consultants; and Section 8-13-1342, regarding restrictions on contributions by contractor to candidate who participated in awarding of contract. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision. If contractor participates, directly or indirectly, in the evaluation or award of public contracts, including without limitation, change orders or task orders regarding a public contract, contractor shall, if required by law to file such a statement, provide the statement required by Section 8-13-1150 to the procurement officer at the same time the law requires the statement to be filed. [02-2A075-2]

QUALIFICATION OF APPLICANT

To be eligible for award of a contract, a prospective recipient of State funds must be responsible. In evaluating an Applicant's responsibility, the State Standards of Responsibility [R.19-445.2125] and information from any other source may be considered. An Applicant must, upon request of the State, furnish satisfactory evidence of its ability to meet all contractual requirements. Unreasonable failure to supply information promptly in connection with a responsibility inquiry may be grounds for determining that an Agency is ineligible to receive an award. S.C. Code Section 11-35-1810.

QUALIFICATIONS – REQUIRED INFORMATION

In order to evaluate an Applicant's responsibility, the Applicant may, at the request of SCDOT, submit the following information or documentation for itself and any subcontractor, if the value of subcontractor's portion of the work exceeds 10% of the Operating expenses:

- (a) Include a brief history of the Applicant's experience in providing work of similar size and scope.
- (b) Applicant's most current financial statement, financial statements for your last two fiscal years, and information reflecting your current financial position. If you have audited financial statements meeting these requirements, you must provide those statements. [Reference Statement of Concepts No. 5 (FASB, December, 1984)]
- (c) List of failed projects, suspensions, debarments, and significant litigation.

CERTIFICATION REGARDING DEBARMENT AND OTHER RESPONSIBILITY MATTERS

(a)(1) By submitting an Application, Applicant certifies, to the best of its knowledge and belief, that-

(i) Applicant and/or any of its Principals-

(A) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency;

(B) Have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(C) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision.

(ii) Applicant has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any public (Federal, state, or local) entity.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

(b) Applicant/Subrecipient shall provide immediate written notice to SCDOT if, at any time prior to contract award, Applicant/Subrecipient learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

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(FFY2019)

Updated March 15, 2019

(c) If Applicant/Subrecipient is unable to certify the representations stated in paragraphs (a) (1), Applicant/Subrecipient must submit a written explanation regarding its inability to make the certification. The certification will be considered in connection with a review of the Applicant/Subrecipient's responsibility. Failure of the Applicant/Subrecipient to furnish additional information as requested by the State may render the Applicant/Subrecipient non-responsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Applicant/Subrecipient is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Applicant/Subrecipient knowingly or in bad faith rendered an erroneous certification, in addition to other remedies available to the State, SCDOT may terminate the contract resulting from this solicitation for default.

SUBCONTRACTOR – IDENTIFICATION

If you intend to subcontract with another business for any portion of the work/project and that portion exceeds 10% of your Operating expenses, your application must identify that business and the portion of work which they are to perform. Identify potential subcontractors by providing the business' name, address, phone, taxpayer identification number, and point of contact. In determining your responsibility, the state may evaluate your proposed subcontractors.

DRUG AND ALCOHOL TESTING. Applicants or subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382).

Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from a state or designated recipient of another FTA program (e.g., 5307 or 5311) should also be included in the designated recipient's testing program.

DRUG-FREE WORKPLACE

The Drug-Free Workplace Act of 1988, as well as Section 44-107-30, S.C. Code of Laws (1976), as amended, requires all grantees receiving grants from any federal or state agency to certify they will maintain a drug-free workplace.

BUDGET ADJUSTMENTS

(1) Method of Adjustment. Any adjustment in the contract price shall be consistent with the awarded Contract Scope/Project; Is dependent upon the availability of SCDOT-Administered SMTF; and shall be arrived at through whichever one of the following ways is the most valid approximation of the actual cost to the Subrecipient:

- (a) by agreement on a fixed budget adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
- (b) by unit costs specified in the Contract or subsequently agreed upon;
- (c) by the costs attributable to the event or situation covered by the project scope or modification or subsequently agreed upon; or
- (d) in such other manner as the parties may mutually agree;

(2) Submission of Financial or Cost Data. Upon request of SCDOT, the Subrecipient shall provide reasonably available factual information to substantiate that the budget adjustment is reasonable and consistent with the provisions of Section 11-35-1830.

South Carolina Department of Disabilities and Special Needs

Agency Name

Signature/Title of Authorized Representative

Chris Clark, CFO

Printed Name/Title of Authorized Representative

Date

SFY2019-2020
(FFY2019)
Updated March 15, 2019

End of Program Signature Documents



SOUTH CAROLINA DEPARTMENT OF
Disabilities and Special Needs

Attachment G

Waiver Case Management

Presented to the DSN Commission

January 23, 2020



Waiver Case Management (WCM) Service Implementation

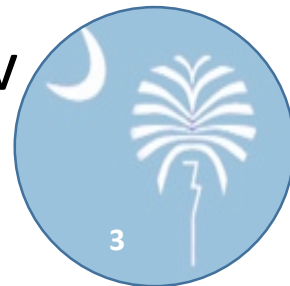
- DDSN continues to provide technical assistance with WCM and the invoicing process as well as correction of errors.
- DDSN continues to have conversations with providers who are consistently below the previous 60 % prospective payment. Program as well as Fiscal staff are actively engaging, analyzing data and offering assistance as these providers continue to evaluate their programs.



Revenue Analysis – December 2019

Average Revenue Per Individual by Category			
	WCM	MTCM/SFCM	TOTAL
December	\$ 98.33	\$ 63.99	\$ 93.09

- Revenue increased from November 2019 (\$93.33).
- Decrease is less than expected as compared to decrease that occurred in December 2018 (Dec 2018 percentage was a 5% decrease from Nov 2018. Dec 2019 was a 5% increase from Nov 2019).



Provider Terminations

- 3 providers have terminated CM contracts, the last one effective 8/31/19.
- All cases were successfully transitioned to new providers.
- While we have no new terminations, we have been in contact with providers who intend to make case management decisions in the next few months.



Revenue increase


- CM/EI rate increase effective January 1, 2020.
- Payments to providers for enrollment activities that are not billable under case management were issued from July-October. Providers will be paid bi-monthly at a flat rate of \$150.50 per slot resolution.





DDSN Executive Memo

**TO: EXECUTIVE DIRECTORS, DSN BOARDS
CEOS, CONTRACTED SERVICE PROVIDERS**

FROM: SUSAN KREH BECK, ED.S., LPES, NCSP, ASSOCIATE STATE DIRECTOR, POLICY 

DATE: JANUARY 13, 2020

RE: Market Rate Case Management Issue – December 2019 Billing Report

Attached is the "Case Management Review by Provider" report for December 2019. The report includes: (1) the average monthly revenue per waiver individuals, (2) the average revenue per non-waiver individuals (MTCM/SFCM) and (3) a total average revenue per individual. This data allows a provider to evaluate, over time, the average monthly revenue generated per individual so the appropriate number of case managers/supervisors needed based on the total number of cases served by the agency can be determined. The statewide average revenue per individual is outlined in the above chart for December.

Statewide Average Revenue Per Individual by Category			
	WCM	MTCM/SFCM	TOTAL
December	\$ 98.33	\$ 63.99	\$ 93.09

Statewide Average Revenue per Individual by Category

Additionally, of the individuals enrolled in the waiver on December 31, 2019, 531 did not have a reportable note submitted during the month of December despite the WCM requirement to do so. This represents 4.4% of the waiver individuals in the system. This represents a lost opportunity to serve and connect with individuals as well as potential revenue being dropped. Providers need to take action to develop management monitoring and feedback systems for their case managers to meet this monthly contact requirement. Neglecting to take action to meet requirements may lead to compliance issues.

DDSN is closely monitoring providers whose revenue per consumer is less than 60% of the previous monthly payment for Waiver individuals to provide technical assistance. We will continue communication with those providers to gather information and provide technical assistance.

Invoices

As part of the invoice for WCM and MTCM, there are units paid that are potentially recoupable from providers due to Medicaid eligibility concerns. During the month of December, DDSN analyzed these payments made to providers for the first five (5) months of the invoicing system (July-November 2019). It was concluded that providers are doing an excellent job assisting individuals/families with getting Medicaid reinstated and, in most cases, retroactive to the date of payment. For the first five (5) months of the invoicing system, the statewide total dollars that cannot be retroactively billed is less than \$3000. DDSN is not going to seek recoupment from providers at this time due to this low dollar amount. Monitoring of payments for these Medicaid ineligible will continue in order to evaluate whether or not recoupment for future payments will be necessary. Providers are encouraged to continue efforts to assist people with Medicaid eligibility issues.

In addition to payment for Medicaid ineligible, there are units not paid this month that can possibly be corrected and resubmitted next month. Please see the memo sent on September 9, 2019 regarding [Invoice Report Analysis Guidance](#) for instructions to take action on the invoice issues. A review of the December 2019 invoices for Medicaid Ineligible and Not Paid are reflected in the charts below:

Description	WCM	MTCM
% of units that were paid but Medicaid Ineligible	0.08%	0.14%
% of units not paid due to wrong template	0.18%	5.34%
% of units not paid - other	0.02%	0.05%

If you have questions, please contact Ben Orner at borner@ddsn.sc.gov or (803) 898-3520 or Lori Manos at lmanos@ddsn.sc.gov or (803) 898-9715.

December 2019 Case Management Revenue by Provider					
Provider Name	Provider Size	Average Waiver Revenue per Walver Consumer	Average MTCM/SFCM Revenue per Consumer	TOTAL Average Revenue per Consumer	25% Quartiles
Provider 13	Very Small	\$ 180.06	\$ 86.43	\$ 165.50	Top Quartile \$112.37 - \$165.50
Provider 31	Very Small	\$ 122.91	\$ 232.50	\$ 147.26	
Provider 46	Very Small	\$ 124.05	\$ 100.00	\$ 122.29	
Provider 8	Small	\$ 117.07	\$ 100.26	\$ 115.72	
Provider 4	Medium	\$ 142.57	\$ 71.90	\$ 113.38	
Provider 16	Large	\$ 118.52	\$ 47.76	\$ 112.66	
Provider 10	Large	\$ 117.37	\$ 82.53	\$ 112.37	
Provider 6	Medium	\$ 116.14	\$ 43.30	\$ 108.20	Upper Middle Quartile \$102.23 - \$108.20
Provider 41	Medium	\$ 114.20	\$ 35.47	\$ 107.50	
Provider 21	Small	\$ 110.98	\$ 68.13	\$ 106.88	
Provider 34	Very Small	\$ 109.64	\$ 53.33	\$ 106.33	
Provider 18	Medium	\$ 102.58	\$ 130.88	\$ 105.66	
Provider 1	Large	\$ 117.41	\$ 75.50	\$ 104.54	
Provider 32	Medium	\$ 106.91	\$ 50.93	\$ 102.25	
Provider 3	Large	\$ 105.53	\$ 52.94	\$ 102.23	Lower Middle Quartile \$74.35 - \$101.44
Provider 11	Small	\$ 99.40	\$ 140.00	\$ 101.44	
Provider 33	Small	\$ 106.17	\$ 78.22	\$ 101.16	
Provider 12	Small	\$ 96.02	\$ 70.80	\$ 93.92	
Provider 15	Very Small	\$ 92.57	\$ 102.00	\$ 92.98	
Provider 24	Medium	\$ 91.59	\$ 73.38	\$ 89.79	
Provider 23	Small	\$ 89.35	\$ 43.33	\$ 87.83	
Provider 7	Very Small	\$ 105.46	\$ 54.84	\$ 86.09	
Provider 26	Very Small	\$ 90.66	\$ 22.50	\$ 86.06	
Provider 25	Very Small	\$ 102.97	\$ 13.86	\$ 80.69	
Provider 20	Medium	\$ 84.30	\$ 26.91	\$ 80.03	
Provider 42	Small	\$ 77.57	\$ 52.14	\$ 75.66	
Provider 5	Large	\$ 90.55	\$ 51.08	\$ 75.56	
Provider 14	Small	\$ 74.33	\$ 88.21	\$ 75.23	
Provider 44	Very Small	\$ 76.04	\$ 43.33	\$ 74.35	Bottom Quartile \$18.51 - \$72.60
Provider 9	Very Small	\$ 76.46	\$ 62.33	\$ 72.60	
Provider 40	Small	\$ 77.55	\$ 12.50	\$ 72.57	
Provider 39	Very Small	\$ 72.31	\$ 56.67	\$ 70.68	
Provider 22	Large	\$ 73.91	\$ 31.83	\$ 69.04	
Provider 29	Small	\$ 66.43	\$ 92.73	\$ 68.18	
Provider 17	Small	\$ 71.61	\$ 51.33	\$ 67.68	
Provider 38	Small	\$ 70.17	\$ 10.59	\$ 66.89	
Provider 36	Very Small	\$ 64.89	\$ 18.00	\$ 62.65	
Provider 45	Very Small	\$ 62.24	\$ 34.00	\$ 60.07	
Provider 19	Large	\$ 58.13	\$ 58.00	\$ 58.12	
Provider 30	Very Small	\$ 55.44	\$ 75.00	\$ 55.58	
Provider 35	Very Small	\$ 54.88	\$ 35.00	\$ 54.28	
Provider 2	Very Small	\$ 47.79	\$ 46.38	\$ 47.34	
Provider 47	Very Small	\$ 51.54	\$ 13.00	\$ 18.51	
Total		\$ 98.33	\$ 63.99	\$ 93.09	

Size	Number
Large	500+
Medium	300-499
Small	150-299
Very Small	0-149

FY 19/20 Legislative Authorized & Spending Plan Budget VS Actual Expenditures (as of 12/31/2019)

Funded Program - Bud	Original Budget	Adjustments	Adjusted Budget	YTD Actual Expense	Remaining Budget	Percent Expended - Target %	
						50.00%	
ADMINISTRATION	\$ 8,256,999	\$ 156,200	\$ 8,413,199	\$ 3,306,973	\$ 5,106,226	39.31%	
PREVENTION PROGRAM	\$ 657,098	\$ -	\$ 657,098	\$ 12,500	\$ 644,598	1.90%	
GREENWOOD GENETIC CENTER	\$ 15,185,571	\$ -	\$ 15,185,571	\$ 6,113,190	\$ 9,072,381	40.26%	
CHILDREN'S SERVICES	\$ 24,889,594	\$ (220,400)	\$ 24,669,194	\$ 4,972,447	\$ 19,696,747	20.16%	
IN-HOME FAMILY SUPP	\$ 91,285,431	\$ 74,303	\$ 91,359,734	\$ 23,631,608	\$ 67,728,126	25.87%	
ADULT DEV&SUPP EMPLO	\$ 83,355,338	\$ 3,600	\$ 83,358,938	\$ 45,777,260	\$ 37,581,678	54.92%	
SERVICE COORDINATION	\$ 22,656,140	\$ 11,800	\$ 22,667,940	\$ 8,253,124	\$ 14,414,816	36.41%	
AUTISM SUPP PRG	\$ 26,355,826	\$ 13,400	\$ 26,369,226	\$ 5,686,122	\$ 20,683,104	21.56%	
HD&SPINL CRD INJ COM	\$ 5,040,532	\$ -	\$ 5,040,532	\$ 2,750,491	\$ 2,290,041	54.57%	
REG CTR RESIDENT PGM	\$ 89,945,948	\$ 2,051,817	\$ 91,997,765	\$ 36,539,602	\$ 55,458,163	39.72%	
HD&SPIN CRD INJ FAM	\$ 29,296,050	\$ 5,000	\$ 29,301,050	\$ 8,202,985	\$ 21,098,065	28.00%	
AUTISM COMM RES PRO	\$ 29,739,084	\$ 25,000	\$ 29,764,084	\$ 8,089,254	\$ 21,674,830	27.18%	
INTELL DISA COMM RES	\$ 335,315,273	\$ 5,685,691	\$ 341,000,964	\$ 182,883,949	\$ 158,117,015	53.63%	
STATEWIDE CF APPRO		\$ -	\$ -		\$ -		
STATEWIDE PAY PLAN		\$ -	\$ -		\$ -		
STATE EMPLOYER CONTR	\$ 35,392,850	\$ 1,135,443	\$ 36,528,293	\$ 14,219,001	\$ 22,309,292	38.93%	
SC GENOMIC MED-TGEM		\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	100.00%	
Legislative Authorized Total	\$ 797,371,734	\$ 10,941,854	\$ 808,313,588	\$ 352,438,506	\$ 455,875,082	43.60%	
Legislative authorization capacity above actual spending plan budget				\$ (37,483,345)			
DDSN spending plan budget				\$ 770,830,243	\$ 352,438,506	\$ 418,391,737	45.72%
Percent of total spending plan budget				100.00%	45.72%	54.28%	REASONABLE
% of FY completed (expenditures) & % of FY remaining (available funds)				100.00%	50.00%	50.00%	
Difference				0.00%	-4.28%	4.28%	

Carry Forward + Cash Flow Analysis Indicates Sufficient Cash to Meet FY 20 Estimated Expenditure Commitments: YES_X__ ; At-Risk___ ; NO___

Expenditures categorized to provide insight into direct service consumers costs vs. non-direct service costs:

Expenditure	FY 19 - % of total	FY 18 - % of total
Central Office Admin & Program	2.35%	2.37%
Indirect Delivery System Costs	1.22%	1.56%
Board & QPL Capital	0.07%	0.14%
Greenwood Autism Research	0.03%	0.03%
Direct Service to Consumers	96.33%	95.90%
Total	100.00%	100.00%

NOTE: Prior FY data will be calculated and presented to provide assurance as to the consistent pattern of direct service & non-direct service expenditures and explanation for increases/decreases

FUNDED PROGRAMS	FUNDED PROGRAM NAMES
0100.000000.000	Administration Operational & Personal Services Expenditures of Administration Departments
4000.050100.000	Prevention Prevention Awareness Grants Possible GGC Contracts Over & Above the Special Item Funded Program
4000.050500X000	Prevention-Special Item - Greenwood Genetic Center Contracts for Research and Development, and Counseling
4000.100501.000	Children's Services Child Day Care Centers in Anderson and Charleston Early Intervention Summer Services
4000.101000.000	In-Home Family Support ID/RD & Community Support Waiver Services Respite Services
4000.101500.000	Adult Development Program Services to include Adult Day, Supported Employment, Rehab Support
4000.102000.000	Service Coordination Service Coordination Planning for all consumers
4003.250000.000	Intellectual Disability Comm. Residential Residential Expenditures for Community Training Homes, Intermediate Care Facilities Evaluation and Planning Services
4000.150500.000	Autism Family Support Program Services to include Adult Day, Supported Employment, Family Respite Evaluation and Planning Services Rehab Service Coordination
4002.300000.000	Autism Comm. Residential Residential Expenditures for Community Training Homes
4002.200000.000	Head & Spinal Cord Family Support Program Services to include Post Acute Rehab for HSC/TBI, Adult Day, Supported Employment
4001.350000.000	Head & Spinal Cord Comm. Residential Residential Expenditures for Community Training Homes
4001.400000.000	Regional Centers Operational & Personal Services Expenditures of Daily Regional Center Functions
9500.050000.000	Employee Benefits Personal Services Expenditures of Administration Departments, Residential, and Regional Centers
9814.190000X000	SC Genomic Medicine - TGEM Greenwood Genetic Center Genomic Medicine

CONSIDERATION OF BIDS

**COASTAL CENTER
ADMINISTRATION, CENTERVIEW, MAINTENANCE & WALKWAY CANOPY
– ROOF REPLACEMENTS
COASTAL REGION
STATE PROJECT NO. J16-9921**

The project includes life cycle repair and replacement of Coastal Center’s Admin., Centerview H2, H3, H4, Maintenance, & Walkway Canopy Building roofs. The project scope includes approximately 14,299 SF of steep slope roof replacement with new asphalt shingles and flashings and removal and replacement of existing over-framing where indicated. Also, approximately 8,863 SF of low slope roof replacement with new two-ply modified bitumen roof membrane.. Approximately 12,893 SF of new fluid applied roof coating will be used and provide new roof systems along with sheet metal flashing and accessories to provide a complete, watertight, warrantable roof assembly. Alternate No. One includes construction of covered walkway.

The project was approved as a capital improvement project at the May 17, 2018 commission meeting.

It is recommended that a contract be awarded for the **Base Bid And Alternate No. One** to **EXTERIOR SOLUTIONS OF GEORGIA dba BONE DRY ROOFING COMPANY** of **NORTH CHARLESTON, SOUTH CAROLINA** in the amount of **\$533,176.** While no problem is anticipated, should this bidder be determined non-responsive or non-responsible, permission is requested to award to the second low bidder.

BASE BID:	\$ 478,836.00
ALTERNATE NO. ONE:	\$ 54,340.00
CONTRACT AMOUNT:	\$ 533,176.00

Attachment: Bid Tabulation
Bid Date: December 10, 2019

PROJECT NO.: J16-9921-PD
PROJECT NAME: Coastal Center - Roof Replacements -
 Admin, Centerview, & Maintenance
ARCHITECT/ENGINEER: Keith Parker, REI Engineers

BID DATE: Tuesday - 12/10/2019
TIME: 300:00 PM
LOCATION: SCDDSN, Central Office, Room 247

SCDDSN Engineering and Planning
 3440 Harden St. Extension
 Columbia, SC 29203
 Phone: (803) 898-9796
 Fax: (803) 832-8188



BID TABULATION

	CONTRACTOR NAME	BID SEC	ADDENDUMS			BASE BID	ALTERNATE #1	TOTAL
			1	2	3			
1	Keating Roofing & Sheet Metal Charleston, SC	X	X	X	X	\$510,495	\$50,126	\$560,621
2	ARC, Incorporated Murrells Inlet, SC	X	X	X		\$512,000	\$25,000.00	\$537,000
3	C.E. Bourne & Co., Inc. Greenwood, SC	X	X	X	X	\$650,000	\$55,125.00	\$705,125
4	Bone Dry Roofing North Charleston, SC	X	X	X	X	\$478,836	\$54,340.00	\$533,176
5								
6								
7								


 Andrew Tharin, Project Manager

 Witness

**DSN Commission Advisement
January 23, 2020**

Purpose:

To brief the DSN Commission regarding the transition from provision of Medicaid State Plan Psychosocial Rehabilitation Services (Rehabilitation Supports).

Background:

DDSN has been contracted by SCDHHS to provide this State Plan Psychosocial Rehabilitation Supports to DDSN eligible individuals who have co-occurring brain injury and specific mental health diagnoses. Ninety individuals have been receiving the service across the state. Services are provided through 2 DSN Boards and 4 HASCI Drop-In Centers across the state.

Rehabilitation Supports is a State Plan Rehabilitative Behavioral Health Service. The purpose of this face-to-face service is to enhance, restore and/or strengthen the skills needed to promote and sustain independence and stability within the beneficiary's living, learning, social, and work environments. The service can be delivered in small groups, or individually.

Over the past few years, the population eligible to receive Rehabilitation Supports has narrowed. Now, only individuals diagnosed with bipolar disorder, major depression, a diagnosis within the spectrum of psychotic disorders and/or substance use disorder are eligible to receive the service. Additionally, the service is expected to be time limited and must now be delivered by a Bachelor's level professional.

Update:

As a result of these changes, DDSN reviewed the current service recipients and providers to determine whether the requirements for the service can be met. It was determined that only eight of the ninety people currently served have a qualifying diagnosis and only one of the six providers has qualified staff to provide and oversee the service.

Discussion and follow up with DHHS determined that DDSN's contract to provide this service will be terminated. DHHS agreed to a six month transition plan to allow DDSN to ensure there was no abrupt loss of service for current recipients. DDSN providers are permitted to continue providing the service through February 29, 2020.

Action:

A provider workgroup was formed to review the requirements and develop a solution that would prevent complete loss of service for current recipients. The planned strategy to address this was to transition current service recipients from Rehabilitation Supports to waiver funded Day Activity and Career Preparation Services (both group services) while working to add an individual skill building service to the HASCI Waiver. Implementation of the plan includes:

- Identification of current Rehabilitation Supports recipients to enroll in the HASCI Waiver (30)
- DDSN HASCI Division working closely with providers to ensure slots have been requested and allocated to those not currently enrolled in the waiver
- Those individuals who have not been enrolled in the HASCI Waiver by February 29, 2020 will receive DDSN state funding while working toward enrollment
- Three of the four HASCI Drop-In Centers required licensing to provide waiver services (one previously licensed); two of the three have been licensed and the third is in process
- Individualized transition planning with current providers
- Identification of alternate interim service options for current Rehabilitation Supports recipients who are not interested in group delivered services
- Provider workgroup review of TBI waiver services in other states resulting in recommendation for addition of the service "Independent Living Skills" to the HASCI Waiver to replace the individualized component of Rehabilitation Supports
- Participant Survey developed which will be forwarded to all current Rehabilitation Supports recipients and HASCI Waiver participants to determine interest in an individualized skill building service and solicit recommendations for other needed skill building services
- DHHS appraisal of the need to amend the HASCI Waiver to add an individualized skill building service (DHHS waiver staff indicated a willingness to work with DDSN to implement this service upon review of the survey results)

Director's Report January 23, 2020

1. We continue to dig and find issues from the past that we must correct –not many have made us popular but they had to be done.
 - a. Susan has already spoken about the Rehab Support Issue
 - b. We have an issue with recoupment of cited indicators from past provider reviews that were not actually recouped.
 - i. Many of the recoupable indicators have no methodology for coming up with the amount to be recouped.
 - ii. All are at 100% compliance never taking into the account that with any human based system there are just errors – missing date, two pages stuck together etc. but it does not mean the service was not provided.
 - iii. We also have CM responsible for authorizing services and if they make an error the service - provided by another entity – would be recouped. How is that fair to the service provider who simply followed the authorization?
 - iv. The system needs to hold providers accountable; but it needs to be fair in its application. As written currently, it does not accomplish either.
 - v. At this point we are still investigating this matter and working on the indicators with our in-house team, DHHS and with providers – as I will be discussing this at tomorrow's QM meeting.
 - vi. We will continue to give the commission progress reports on this matter.
 - c. Another error we have discovered is in the number of "funded" waiver slots.
 - i. As of January 1st, 2020, DDSN reported it had 1026 "funded" waiver slots available. However, the Policy Division's recent analysis determined this number is very likely in error. This 1026 is overstated by 506 funded waiver slots; the Policy Division believes the accurate funded waiver slots available should be 520. This overstatement is equivalent to a \$7.5 million liability.

- ii. Given the sensitivity of lowering any funded waiver slots, Internal Audit will conduct an independent review of the Policy Division's analysis. If we verify this analysis with a high degree of certainty, we will come back to the Commission in March or April and present our analysis and options on handling, to include lowering this liability.
- iii. In the meantime, in an abundance of caution, DDSN will start rolling back our current over-allocation of waiver slots currently at 1223 to match our current funding level on the 1026 on the books. We will do this by reissuing a one new waiver slot for every two returned. This will reduce DDSN's risk of enrolling waiver slots with more than the appropriated funding provided.
- iv. Once we reach our current 1026 funded level, we will stop, so our allocation exactly meets our funded waiver slots on the books. We will take no further action until this 506 discrepancy issue is resolved.

2. **Proposed Budget Update:** We have presented our budget request to all branches of state government.
- a. The Governor's budget was very favorable to DDSN funding everything we requested with the exception of residential expansion.
 - b. We presented to our Senate Finance Subcommittee on December 11th.
 - c. We presented to our House ways and Means Subcommittee on January 15th. Put in a big push for residential expansion. Rep. Clyburn was very concerned about funding for Autism programs – especially for children. I did mention that the rate for ABA therapy continues to be too low to attract providers of the service.
 - d. We believe all of the presentations went well.

3. Three of our CO employees – Lori Manos, Maxine Bradley and Donna Lloyd wrote a report from the database to identify consumers that could be billed to Medicaid using a lookback process based on eligibility determination. Medicaid eligibility begins at the date of application once approved. So they were able to go back and identify those units of service from date of application through Medicaid eligibility and back bill for it. We were losing upwards of \$50,000 each month that passed. So they jumped on this to stop the bleeding and re-prioritized things to make it happen. So we are now back billing for all the service we can and anticipate recouping \$1,216,719. The federal amount we will actually recover is around \$850,000. I also want to mention Carol Mitchell from finance who was instrumental in providing the billing knowledge to do the actual rebilling of the lost units. I just want to publically thank Lori, Maxine, Donna and Carol

4. In the fall 2018, DDSN initiated an improvement project to increase the DSP staffing at Regional Centers. The word "crisis" was used and it was not an exaggeration. This issue was evident in our Legislative oversight committee reports as well as a major component of our budget request.
 - a. The first task was to establish the first "Target Staffing Level" to specifically target what 100% staffing looks like, which was followed by building a monthly reporting tool to accurately track improvement.
 - b. The Regional Centers & Human Resourced started a relationship with Indeed.com to generate additional applicants, and centers were pushing two hiring classes a month through the process. During calendar year 2019, DSPs net increase at Regional Centers is up 139.

The first monthly targeted staffing level report was in February 2019 is compared with the recent December 2019 showed that

Regional Center	Actual Staffing % of TSL	
	Feb 2019	Dec 2019
Coastal	83.3%	97.6%
Midlands	93.8%	80.7%
Pee Dee	94.3%	100.8%
Saleeby	94.3%	88.3%
Whitten	<u>69.5%</u>	<u>81.6%</u>
Total	<u>84.5%</u>	<u>88.2%</u>

c. In addition:

- i. Forced overtime dropped from 6.4% to 5.7%.
- ii. Scheduled overtime dropped from 5.3% to 3.7%.

d. Whitten moved from unsustainable 69.5% to 81.6%.

e. Given Whitten's still low staffing, there is a contingency plan is to attrite consumers & close a building, and move that capacity, if needed, to Pee Dee which is at 100% Targeted Staffing Level staffing. That all would be done with consumer and family input of course.

f. Although agency-wide staffing is up, our near real-time TSL monitoring has identified Midlands as slipping for past six months and active intervention is underway. The problem has been diagnosed as an unusual number of employees on workman's comp & FMLA. A more robust safety plan for employees will need to be initiated.

g. December's 88.2% dipped from November and October 89.5% and 89.3% likely due to increased use of leave time – something that workers could not do last year.

5. Regional Center Camera Update:

- a. Pee Dee-Installation scheduled for 1/27/19
- b. Saleeby-Operational
- c. Whitten-Installed and training begins next week
- d. Coastal-Operational

- e. Midlands-Installation scheduled after Pee Dee installation. Cameras are ordered by company. Walnut has been added to the order.
- f. Website - A new feature has been added for individuals to sign up for updates.