Memorandum

DATE: July 22, 2020

SUBJECT: Summary of Proposed Changes to the State Use Council Rule

The following changes are suggestions to the State Use Council Rule found in the Louisiana Register at: Title 67, Part VII, Chapter 9, Sections 901 – 921

Changes included are modeled after the Texas Administrative Code, Title 40, Part 20, Chapter 806 Purchases of Products and Services From People with Disabilities


Throughout the rule, the phrase “persons with severe disabilities” was changed to “individuals with disabilities.”

§901. General Rules

The General Rule §901 A-F were edited based on changes made to legislation during the 2019 Regular Legislative Session. Some of the proposed language was modeled off of language in the Texas Administrative Code. Section E. was added based on the change to legislation regarding the ability of the Central Nonprofit Agency to solicit and evaluation competitive sealed proposals every 5 years.

§903. Definitions

The following definitions were added:
Central Nonprofit Agency (CAN)
Community Rehabilitation program (CRP) – modeled after Texas Disability

The following definitions were deleted:
Sheltered Workshop
State Operated Sheltered Workshop
State Supported Sheltered Workshop

The following definitions were updated:
Council
Direct Labor
Qualified Nonprofit Agency of the Severely Handicapped changed to Supported Employment Provider

§905. Organization of the Council
The changes in this section are mainly language updates. There is a question regarding B. that involves reimbursement for necessary expenses incurred in the performance of services in connection with work of the council.

§907. Duties and Responsibilities of the Council
A few updates were made - a change to correct the right statute and to update that the Council can solicit and evaluate sealed proposals every 5 years to designate and contract with a Central Nonprofit Agency.

I have some notes whether you wanted to add information similar to the Texas Administrative Code:
Regarding the following:
- Meeting Guidelines
- Open Meetings
- Public Testimony
- Access

§909. Certification of Eligibility of Participating Workshops changed to Supported Employment Provider
The changes to this section are the language updates from “Severely Disabled” to “Individuals with Disabilities
Change from “Products” to “Goods”
Change from “Sheltered Workshop” to “Supported Employment Provider”
Sections A.2 and A.3. – need to be addressed as to whether these sections are needed

§911. Central Nonprofit Agency
911A. – Change “may” Council “shall” have the authority to designate and contact with a central nonprofit agency to assist workshop supported employment provider ... changed distribution to “allocation”

B. New – that the CNA shall solicit and evaluation competitive sealed proposals pursuant to R.S. 39:1595 at least every five years to designate and contract with a central nonprofit agency.

C. Changed Workshops to Supported Employment Provider
D. Changed Workshops to Supported Employment Provider
E. Changed Workshops to Supported Employment Provider
G. 1-6 Changed Workshops to Supported Employment Provider
   Changed products to goods

§913. A. 1-2 and B.1-2 Suspension and Reinstatement of a Supported Employment Provider
   Changed Workshops to Supported Employment Provider
   Changed products to goods

§915. Value Added - Do you want to keep this section?
   A. A workshop may not act merely as a receiving and shipping facility, except under circumstances as approved by the council.
§ 917. Inspections
   A. The appropriate purchasing agency, at its option, may monitor workshop manufacturing
      activities for compliance with specifications under existing contracts.

§ 919. Records
   Proposal to delete the current section and model language from the Texas Administrative
   Code.

§ 921. Exceptions
   Do you want to keep this section of the Rule?
   A. Exceptions from the operation of the mandatory provisions of these rules may be made in
      any case where under the rules of the state purchasing agency, the product or service so produced
      or provided does not meet the reasonable requirements of the office, department, institution, or
      agency.
   
   B. No office, department, institution, or agency may evade the intent of these rules by slight
      variations from standards adopted by the appropriate purchasing agency, when the products or
      services produced or provided by persons with severe disabilities, in accordance with established
      standards, are reasonably adapted to the actual needs of the office, department, institution, or
      agency.