

Report:

***Reasonable
Accommodation
Acquisitions
For State Employees***

January 1, 2019



State of California
Department of General Services
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INTRODUCTION

It is the policy of the state that qualified individuals with a disability shall be employed in public service on the same terms and conditions as the nondisabled, consistent with applicable state or federal law. Further, it is the policy of this state that a department, agency, or commission shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee who is an individual with a disability, unless the hiring authority can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

SB 846 (Committee on Budget and Fiscal Review, Chapter 405, Statutes of 2018) enacted the Public Contract Code Section 10298.1 (printed below) in order to continuously improve and monitor the purchase of goods and services for state employee reasonable accommodations.

PUBLIC CONTRACT CODE - PCC

DIVISION 2. GENERAL PROVISIONS [1100 - 22355]

PART 2. CONTRACTING BY STATE AGENCIES [10100 - 19150]

CHAPTER 2. State Acquisition of Goods and Services [10290 - 10490]

ARTICLE 2. Approval of Contracts [10295 - 10299.1]

10298.1.

(a) The Department of General Services shall periodically review policies and procedures in the State Contracting Manual, and training provided to state personnel as it relates to reasonable accommodation purchases for state employees, pursuant to Section 19230 of the Government Code.

(b) On January 1, 2019, and biennially thereafter, the department, in consultation with the Department of Human Resources and the Department of Rehabilitation, shall post on its Internet Web site a report regarding the purchases of services, goods, information technology, and telecommunications related to reasonable accommodations for state employees, pursuant to Section 19230 of the Government Code. The report shall include, but not be limited to, the following:

- (1) A review of policies and procedures in the State Contracting Manual and personnel training relating to acquisitions.
- (2) Available data on the number and types of acquisitions made by state entities.
- (3) Any recommendations to improve the acquisition process.

A REVIEW OF PROCUREMENT POLICY AND PROCEDURES

During the 2018 calendar year, the Department of General Services (DGS) and the Department of Rehabilitation (DOR) routinely met in order to identify improvements to procurement policy and procedures related to acquisitions for goods and services to meet state employee reasonable accommodations. In June 2018, DGS and DOR conducted a public forum. At this forum, individuals with disabilities both inside and outside state service, advocates for people with disabilities, and suppliers of assistive technology and services were invited to submit comments regarding improvements to procurement policy and procedures in order to better meet the needs of Californians with disabilities. Following the June public forum and consideration of the results of a September survey, the departments invited individuals to serve as a focus group. This group included the chair of the Blind Advisory Committee, the secretary of the Association of California State Employees with Disabilities, and assistive technology providers, among others.

A number of additional subject matter experts and stakeholder groups were consulted during 2018 while reviewing procurement policy and procedure, including state employees, former state employees, and members of the public from:

- California Prison Industry Authority (CalPIA)
- California Department of Human Resources (CalHR)
- DGS Office of Fleet and Asset Management
- Purchasing Authority Round Table
- General Services Workgroup
- The Blind Advisory Committee
- The Association of California State Employees with Disabilities
- Assistive/adaptive technology suppliers
- Disability Advisory Committees

RECOMMENDED IMPROVEMENTS – ACQUISITION PROCESS

The 2018 review of procurement policy and procedures resulted in the following recommended improvements:

1. Require state agencies to use the Reasonable Accommodation (RA) Acquisition Sub-Type when transacting in the Financial Information System for California (FI\$Cal) and require manual entry in FI\$Cal State Contract and Procurement Registration System for deferred agencies.
2. Require state agencies to designate an RA procurement coordinator with defined roles and responsibilities.

3. Require state agencies to track and expedite RA acquisitions. Acquisitions must be initiated within seven business days of receipt by the procurement office.
4. Require state agencies to implement internal procurement procedures in order to expedite RA acquisitions.
5. Exempt state agencies from the requirement to verify availability of, or purchase, surplus property for RA acquisitions.
6. Exempt state agencies from seeking a CalPIA waiver for RA items that CalPIA does not offer.
7. Encourage state agencies to use DOR's California Assistive Technologies, Services and Devices Supplier Directory in order to find suppliers that provide categories of goods and services that support RA needs.
8. Remind procurement professionals about the need to maintain confidentiality when tracking and documenting acquisitions related to RAs.
9. Align CalHR's policy for a designated RA coordinator with the DGS policy and procedure for an RA procurement coordinator so as to distinguish and define roles and responsibilities in order to enhance coordination of acquisitions and timely delivery of goods and services to employees with RAs.

A REVIEW OF PERSONNEL TRAINING FOR ACQUISITIONS

The DGS Procurement Division operates an online learning management system in order to enhance the training experience for state procurement professionals. State procurement professionals are required to attend basic purchasing classes through the California Procurement and Contracting Academy (CalPCA).

During 2018, DGS worked with subject matter experts and stakeholders to modify and create new procurement policy and procedures specific to acquisitions required for state employee RAs. The new procurement policy and procedure was incorporated into the State Contracting Manual and published on December 21, 2018.

In 2019, it is the goal of DGS, DOR, CalHR, and CalPIA to design course content aligned with the new procurement policy and procedures published on December 21, 2018, specific to acquisitions required for state employee RAs. The first training is scheduled for January 29, 2019, and future training will be available at a later date in 2019.

DGS intends to utilize the CalPCA learning management system to track attendance, as well as to house and facilitate on-demand training for RA acquisitions.

AVAILABLE PROCUREMENT DATA

In 2018, DGS identified a need to capture data related to acquisitions for RAs, and enabled this functionality in FI\$Cal in July.

On December 21, 2018, DGS published new procurement policy and procedures requiring state agencies to identify acquisitions related to RAs in FI\$Cal. However, since functionality was available prior to December 21, 2018, state agencies began voluntarily entering the data prior to the policy being published.

As of December 18, 2018, the following is available statewide data from FI\$Cal for 2018:

Acquisition Type and Sub-Type	Total Count
NON-IT Services - Reasonable Accommodation (State Employee)	40
NON-IT Goods - Reasonable Accommodation (State Employee)	410
IT Services - Reasonable Accommodation (State Employee)	11
IT Goods - Reasonable Accommodation (State Employee)	172