

CHAPTER 38
DEVELOPMENTAL DISABILITIES BASIC STATE GRANT
[Prior to 2/11/87, Human Services[498]]

PREAMBLE

Pursuant to the Developmental Disabilities and Bill of Rights Act, 42 U.S. Code, Section 6000, et seq., (DD Act) and Iowa Code section 225C.3, the department of human services has been designated as the administering agency to receive the federal assistance to the state developmental disabilities councils from the federal administration on developmental disabilities. These funds are used by the governor's developmental disabilities council.

The purpose of this chapter is to define and structure funding of projects by the governor's developmental disabilities council (also known as the governor's DD council). Projects are designed to influence change in the system of services and supports in Iowa to increase the independence, productivity, and community integration of people with developmental disabilities.

Funding priorities for projects are established by the governor's DD council in the state plan.

441—38.1(225C,217) Definitions.

"Department" means the Iowa department of human services.

"Developmental disability" means a severe, chronic disability of a person 5 years of age or older which is attributed to a mental or physical impairment or a combination of mental and physical impairments, is manifested before the person attains the age of 22, is likely to continue indefinitely, substantially limits the person's ability to carry out major life activities in at least three of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency, and reflects an ongoing need for individualized, coordinated services. The term, when applied to infants and children from birth to the age of 5, means a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

"Director" means the director of the department or successor agency.

"Governor's DD council" means the governor's developmental disabilities council.

"Projects" means activities designed to address the priority areas as established in the DD Act through any of the following:

1. Activities to increase the capacities and resources of public and private nonprofit entities and others to develop a system for providing specialized services or special adaptations of generic services or other assistance which responds to the needs and capabilities of people with developmental disabilities and their families and to enhance coordination among entities.

2. The conducting of studies and analyses; gathering of information; development of model policies and procedures; and presentation of information, models, findings, conclusions and recommendations to federal, state and local policymakers, in order to enhance opportunities for people with developmental disabilities, including the enhancement of a system for providing or making available specialized services or special adaptations of generic services for people with developmental disabilities and their families.

3. The demonstration of new ways to enhance the independence, productivity and integration into the community of people with developmental disabilities, such as model demonstrations which, if successful, will be made generally applicable through sources of funding other than funding under the DD Act, including new ways to enhance specialized services or special adaptations of generic services for people with developmental disabilities and their families.

4. Outreach activities for people with developmental disabilities to enable them to obtain assistance in the priority areas established in the state plan, including access to specialized services or special adaptations of generic services for people with developmental disabilities and their families.

5. Training for people with developmental disabilities, their family members, and personnel, including professionals, paraprofessionals, students and volunteers on obtaining access to, or on providing, services and other assistance in the area, including specialized services or special adaptations of generic services for people with developmental disabilities and their families.

6. Similar activities designed to prevent developmental disabilities from occurring or to expand and enhance the independence, productivity and integration into the community of people with developmental disabilities through the state on a comprehensive basis.

“*State plan*” means the document required under the DD Act describing goals, objectives and funding priorities.

441—38.2(225C,217) Program eligibility. For any year in which Congress appropriates funds, the governor’s DD council shall, consistent with the state plan and the priorities established under the DD Act, determine projects to fund under the developmental disabilities basic state grant program. Funding priorities will be established by the governor’s DD council in the state plan and will be consistent with the priorities established in the DD Act. (Applications for capital expenditures or capital renovations are not eligible for funding.) The governor’s DD council may award funding through any of the following processes: competitive, sole source, or unsolicited proposals.

441—38.3(225C,217) Application under competitive process.

38.3(1) Contract cycle. The governor’s DD council and director will announce, through public notice, the openings of an application period for projects. Applicants for contracts shall submit first a letter of intent and then a proposal by deadlines specified in the announcement. Exceptions to the application process may be granted and shall be specified in the public notice.

38.3(2) Letter of intent. The letter of intent must clearly identify the applicant and specify the category or service to be addressed in the project. Only letters of intent received by the deadline specified in the public notice will be considered. Applicants will be given a written acknowledgment of their letter of intent and an application packet.

38.3(3) Proposal. Applicants shall submit the proposal to the governor’s DD council on Form 470-2366, “Developmental Disabilities Application Package.” If a proposal does not contain the information specified in the application package or if it does not arrive by the due date specified in the announcement, it will be disapproved.

If additional application information is viewed as necessary by the council, it will be specified in the application packet.

441—38.4(225C,217) Competitive project awards.

38.4(1) Review of proposals. All proposals meeting the minimum criteria above shall be evaluated by a governor’s DD council committee, council staff, and other members of the council as deemed necessary. The council may use advisory groups, committees, and other persons with expertise in evaluating proposals. The criteria upon which all reviews will be based shall be contained in the application package, Form 470-2366. The committees shall make recommendations for project funding to the entire governor’s DD council for consideration. The governor’s DD council’s decision shall be forwarded to the director. The director shall enter into contracts.

38.4(2) Selection of proposals. Proposals shall be selected using criteria and other information as specified in the application package, Form 470-2366.

a. Points shall be awarded for criteria as follows:

(1) Up to 28 points shall be given for applicant capability which includes demonstrating consumer-driven values, direction and influence, evidence of related experience and knowledge, sufficient personnel and other resources, and linkages with others needed to complete the project.

(2) Up to 60 points shall be given for the workplan, with up to 15 of those points being earned for measurable goals and objectives, up to 15 points for action steps, up to 15 points for evaluation activities, and up to 15 points for product or outcome dissemination strategies.

(3) Up to 12 points shall be given for financial information, including line item budget and justification that relates to the objectives of the project.

b. In addition to the criteria in the application package, Form 470-2366, the governor’s DD council may consider other information which may include, but need not be limited to, past products developed

and projects completed by the applicant. Any additional information to be considered shall be specified in the application package.

38.4(3) *Rejection of proposals.* The governor's DD council may reject any or all proposals on the basis of funds available or quality of applications.

441—38.5(225C,217) *Sole source or emergency selection project awards.* The governor's DD council may, within specific project parameters under Executive Order Number 50 and department of revenue preaudit procedures, elect to award a contract under the sole source or emergency option.

38.5(1) *Justification for sole source selection.* Sole source selection procedures may be justified when one of the following conditions exists:

a. Only a single source is determined to be qualified or eligible, or is obviously the most qualified or eligible to perform the services.

b. The work is of such a specialized nature or related to a specific geographical location, that a single source by virtue of its experience, expertise, or proximity to the project could most satisfactorily complete the work.

c. Sole source selection shall automatically apply to contracts under \$1,000, plus allowable travel expenses. Competitive bids are not required for contracts under \$1,000.

38.5(2) *Justification for emergency selection.* Emergency selection procedures may be justified when it is determined that normal selection procedures would unduly delay the initiation of critically needed work or impose unjustifiable costs on the governor's DD council.

38.5(3) *Approval for sole source or emergency selection.* Sole source or emergency selection shall be approved by the director or director's designee. The justification for use of sole source or emergency selection and the basis upon which a particular source is selected shall be documented in the contract file.

441—38.6(225C,217) *Field-initiated proposals.* The governor's DD council may consider field-initiated requests and proposals that elicit support for specific projects, research, planning or advocating activities for people with developmental disabilities. The field-initiated proposals shall be in one of the following areas:

38.6(1) *Cosponsorships.* The governor's DD council may designate a portion of its funds to cosponsor activities of other organizations and agencies.

a. Cosponsorships may include, but need not be limited to, endorsements, materials and supplies, and funds for conferences, seminars, training, workshops, and supports to assist people with developmental disabilities or family members to be involved in these activities.

b. The governor's DD council, in cooperation with the department, will announce through public notice the availability of funds designated for cosponsorships.

c. A letter of request for cosponsorship shall be submitted. The information to be included and the deadline for submission shall be specified in the public notice.

d. All requests shall be reviewed by council staff or a standing committee of the council which shall submit a recommendation to the council for final action.

38.6(2) *Projects.*

a. The governor's DD council may consider ideas for specific projects from outside its planning process. Proposals pertinent to the priority areas may be referred to the appropriate committee for possible request for proposal (RFP) activities during the next funding cycle.

b. The governor's DD council may designate a portion of its funding in support of project proposals from the field. Proposals will be reviewed under the same process outlined in rules 441—38.3(225C,217) and 441—38.4(225C,217).

441—38.7(225C,217) *Notification.* Notification of acceptance or denial of the proposal will be sent to each applicant. The date of notice of decision will be specified in the public notice.

441—38.8(225C,217) *Request for reconsideration.* Dissatisfied applicants may file a request with the director for reconsideration of a decision. The request for reconsideration must be submitted within ten

working days of the date of the notice of decision and must include a request for the director to review the decision and the reasons for dissatisfaction. Within ten working days of the receipt of the request the director or designee will review the request and evidence provided and will issue a written final decision outlining the reasons for that decision.

No disbursements will be made to any applicant for a period of ten working days after the date of the notice. If a request is received within the ten working days, all disbursements will be held pending a final decision on the request. All applicants involved will be notified if a request is filed.

441—38.9(225C,217) Contracts. The funds for approved projects will be awarded through a contract entered into by the director and the applicant. The work statement of the contract and the budget will be mutually negotiated between the director or designee and the applicant. The contract may cover a period not to exceed 24 months. The contract shall set forth the expectations and terms of compliance between the contractor and the director.

441—38.10(225C,217) Records. Rescinded IAB 7/7/93, effective 9/1/93.

441—38.11(225C,217) Reallocation of funds. The contractor shall report, in writing, any projected underexpenditures prior to the completion of the contract. When underexpenditures are reported, the director or designee may renegotiate the total contract budget to avoid underexpenditure.

441—38.12(225C,217) Conflict of interest policy. All governor's DD council members and those serving in an advisory capacity to the governor's DD council as defined in 441—1.7(8) "c"(2) shall not engage in activities that present a conflict of interest.

38.12(1) Governor's DD council members and those serving in an advisory role to the governor's DD council are prohibited from applying for any project when they were involved in recommending the project, or designing or developing the request for proposal.

38.12(2) All governor's DD council members and those serving in an advisory capacity to the governor's DD council who serve or whose family members serve as officers, directors, partners, consultants, or employees of the applicant being evaluated shall be excluded from preliminary review of proposals, discussing with governor's DD council members who will be voting, and advising or voting on the evaluation of that applicant and all other applicants submitting proposals in that category.

These rules are intended to implement Iowa Code sections 217.6 and 225C.3.

[Filed 7/25/86, Notice 4/23/86—published 8/13/86, effective 10/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed emergency 11/19/87—published 12/16/87, effective 11/19/87]

[Filed 3/15/89, Notice 2/8/89—published 4/5/89, effective 6/1/89]

[Filed 6/11/93, Notice 4/14/93—published 7/7/93, effective 9/1/93]

[Filed 1/10/96, Notice 11/22/95—published 1/31/96, effective 4/1/96]

[Filed emergency 1/19/07—published 2/14/07, effective 1/20/07]