

PREVENTION OF DISABILITIES POLICY COUNCIL[597]

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CHAPTER 1
GENERAL DESCRIPTION

597—1.1(225B) Authority and function. The prevention of disabilities policy council was established pursuant to Iowa Code section 225B.3, to oversee the development and operation of a coordinated prevention of disabilities system within state government, encourage state-of-the-art training and research concerning the prevention of disabling conditions, promote cooperative and complimentary initiatives in the private sector, measure the outcome and impact of prevention of disability efforts in the state, and assist the governor and the general assembly in determining priorities and establishing policies to reduce the occurrence or minimize the effects of disabling conditions.

597—1.2(225B) Definitions. For purposes of clarity, the term “council” is used to mean the prevention of disabilities policy council, and the term “committee” is used to denote the technical assistance committee. Definitions of other key terms are provided in Iowa Code section 225B.2.

These rules are intended to implement Iowa Code chapter 225B.

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CHAPTER 2
ORGANIZATION AND OPERATIONS

597—2.1(225B) Independent unit. The prevention of disabilities policy council is a separate and autonomous unit of the state of Iowa; however, it is attached to the Iowa department of human services for the purpose of fiscal administration.

597—2.2(225B) Council membership and appointments. The 13-member council is composed of three individuals with expertise in priority prevention areas, three providers of prevention services, three persons with disabilities or family members of persons with disabilities, and four legislators. The legislators serve as ex officio, nonvoting members. Members of the council are selected, appointed, and confirmed as provided for in Iowa Code section 225B.3.

597—2.3(225B) Council meetings. The council holds at least six meetings each year and as many additional meetings as are needed to discharge its responsibilities. Meeting dates are determined by the council. Notice of a meeting, including the specific date, time, place and a tentative agenda, shall be given in accordance with Iowa Code section 21.4, not less than three days before the meeting. All meetings shall be open to the public, unless a closed session is voted by two-thirds of the entire membership or by all members present pursuant to Iowa Code section 21.5. All meetings are held in facilities accessible to and functional for people with physical disabilities. The operation of the council meetings shall be governed by the following rules of procedure:

2.3(1) A majority of the members of the council shall constitute a quorum, and a majority of voting members shall be necessary to act on matters within the purview of the council pursuant to Iowa Code section 225B.3.

2.3(2) Members of the public who wish to appear before the council shall contact the presiding officer or the officer's designee not less than 14 days prior to a meeting. Presentations may be made at the discretion of the presiding officer. The presiding officer or the officer's designee shall notify requesters of their approximate place on the agenda. The council may take up matters not appearing on the agenda upon a finding of good cause.

2.3(3) Members of the public who wish to submit written material should do so at least 14 days prior to a scheduled meeting to ensure the council has adequate time to review and evaluate the material.

2.3(4) Any vote by mail shall have the tabulated results presented at the next scheduled meeting of the council and the ballots retained for a period of three months for confirmation of results.

2.3(5) Special or electronic meetings may be called by the presiding officer or upon the request of a majority of the entire membership. Such meetings will be held in strict accordance with Iowa Code chapter 21.

2.3(6) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use if it is obstructing the meeting. If the person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

2.3(7) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts the meeting.

2.3(8) Cases not covered by these rules shall be governed by Robert's Rules of Order (newly revised).

597—2.4(225B) Minutes. Minutes of council meetings shall constitute the official record of council actions. Minutes are prepared and sent to all council members before the next scheduled meeting. Approved minutes are available for public inspection during regular business hours at the offices of the Iowa Governor's Planning Council for Developmental Disabilities located on the First Floor of the Hoover State Office Building, Des Moines, Iowa 50319.

597—2.5(225B) Council officers and organization. The council shall organize by electing a chairperson, a vice chairperson, and an executive committee consisting of the chairperson, the vice chairperson, and two voting members at large. Other officers may be elected by the council if deemed

necessary. Terms of office for all officers and executive committee members shall be determined by council action.

2.5(1) Chairperson. The chairperson oversees all council operations and shall:

- a. Convene the council and the council's executive committee and preside over all such meetings.
- b. Supervise the preparation and distribution of tentative meeting agendas.
- c. Ensure that meeting notices are given as required by Iowa Code section 21.4.
- d. See that minutes of council meetings are prepared, distributed and maintained.
- e. Appoint the chairperson of temporary or permanent council committees and task forces.
- f. Negotiate agreements and contracts within guidelines established by action of the council and the council's executive committee.
- g. Ensure that fiscal operations are performed and council budgets are prepared and submitted in an appropriate and timely manner.
- h. Ensure that council contracts, activities and reports are completed in an appropriate and timely manner.
- i. Notify the governor and the director of the Iowa governor's planning council for developmental disabilities when a vacancy occurs on the council.

2.5(2) Vice chairperson. The vice chairperson serves in the absence of the chairperson and shall assume other duties as delegated by the chairperson or assigned by the council.

2.5(3) Executive committee. The executive committee shall serve as the governing body of the council during the period between meetings. It is empowered to take action on behalf of the council when such action is required between meetings and deliberation by the full council is not feasible. The executive committee may assume other duties as delegated by the chairperson or determined by the council.

597—2.6(225B) Technical assistance committee. The technical assistance committee was established pursuant to Iowa Code section 225B.4, to provide technical assistance to the council, establish the policies necessary to facilitate the development, implementation, and evaluation of a prevention coordination system within state government, and recommend prevention of disability priorities to the council. Committee composition shall be as established pursuant to Iowa Code section 225B.4. The full committee shall be convened by the council at least four times a year. Individual committee members or their designees may serve on council committees formed to assist the council in performing its duties and implementing the prevention of disabilities coordination system.

597—2.7(225B) Other council powers. The council shall have all powers necessary to carry out the functions and responsibilities specified in Iowa Code section 225B.3, including, but not limited to, the power to:

- 2.7(1)** Establish committees and task forces.
- 2.7(2)** Hold public hearings.
- 2.7(3)** Adopt rules according to Iowa Code chapter 17A.
- 2.7(4)** Enter into agreements with other public and private agencies in accordance with Iowa Code chapter 28E and within the limits of available resources.
- 2.7(5)** Request and receive information from all departments, divisions, agencies and offices of the state that is pertinent to fulfilling council responsibilities and is not, by law, considered confidential.
- 2.7(6)** Solicit and accept gifts and grants of money or property from the federal government or any other source and, upon its own order, use the money, property or other resources to accomplish the functions of the council.
- 2.7(7)** Enter into contracts with public or private groups within the limits of available resources in order to conduct the business and meet the responsibilities of the council.

597—2.8(225B) Council operations. The council may enter into agreements and contracts with public or private entities within the limits of available resources to handle the technical, administrative and programmatic operations of the council.

597—2.9(225B) Council reporting and evaluation. The council shall make a report to the governor and the general assembly by November 1 of each year. The content of the report shall be as specified in Iowa Code section 225B.3. The council is subject to review and evaluation by the governor and the general assembly pursuant to Iowa Code section 225B.6.

597—2.10(225B) Council conflict of interest. A conflict of interest exists when a member of the council participates in a way that directly affects the personal or financial interest of the member, the member's family, or an organization the member serves. In order to avoid conflict of interest problems, council members who believe they have a conflict of interest in an action shall declare the conflict prior to discussion and abstain from voting on such matter.

597—2.11(225B) Reimbursement. Members of the council, the technical assistance committee, and other council-formed committees and task forces shall be entitled to reimbursement of actual expenses incurred in the performance of their duties. Costs of converting meeting materials into braille or audiotape, sign language interpreters for members who are deaf, and personal aides for members with physical disabilities shall be considered an actual expense incurred in the performance of a member's duties.

These rules are intended to implement Iowa Code chapter 225B.

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CHAPTER 3
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The prevention of disabilities policy council hereby adopts, with the following amendments and exceptions, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

597—3.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)” insert “prevention of disabilities policy council”.

597—3.3(17A,22) Requests for access to records.

3.3(1) Location of record. In lieu of the words “(insert agency head)” insert “council chairperson”. In lieu of the words “(insert agency name and address)” insert “Governor's Planning Council for Developmental Disabilities, First Floor, Hoover State Office Building, Des Moines, Iowa 50319”.

3.3(2) Office hours. In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)” insert “8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays”.

3.3(7) Fees.

c. Supervisory fee. In lieu of the words “(specify time period)” insert “30 minutes”.

597—3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)” insert “chairperson of the council”.

These rules are intended to implement Iowa Code section 22.11.

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CHAPTER 4
PETITIONS FOR RULE MAKING

The prevention of disabilities policy council hereby adopts, with the following amendments and exceptions, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to petitions for rule making which are printed in the first volume of the Iowa Administrative Code.

597—4.1(17A) Petition for rule making. In lieu of the words “(designate office)” insert “prevention of disabilities policy council”. In lieu of the words “(AGENCY NAME)” the heading on the petition should read:

PREVENTION OF DISABILITIES POLICY COUNCIL

597—4.3(17A) Inquiries. In lieu of the words “(designate official by full title and address)” insert “chairperson of the council”.

These rules are intended to implement Iowa Code section 17A.7.

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CHAPTER 5 CONTRACTING

597—5.1(225B) Definitions. As used in this chapter:

“Request for proposal” means a letter or document issued by the council to request that a party(ies) or entity(ies) submit a written proposal to the council for providing a service or undertaking a priority project.

“Solicited proposal” means a document submitted in response to a request from the council which proposes a service or a specific project for the council and outlines the costs for such a service.

“Unsolicited proposal” means a document submitted to the council without a request which proposes a service or a specific project for the council and outlines the costs for such a service.

597—5.2(225B) Contracting conditions. To fulfill its responsibilities and implement the mandates of Iowa Code chapter 225B, the council may utilize available funds to purchase needed services or conduct priority projects. Awards for contracts shall be made through one of the following processes: competitive, sole source, or unsolicited proposals.

597—5.3(225B) Competitive process. The council shall award contracts, to the extent possible, through an open and competitive process. The competitive process includes:

5.3(1) Public notification. The council shall develop a request for proposals and announce the opening of a period for application through public notice. Applicants shall be required to submit first a letter of intent and then a proposal by the deadlines specified in the announcement.

5.3(2) Letters of intent. Letters of intent must clearly identify the applicant and specify the project or service contract sought. Only letters of intent received by the deadline specified in the public notice may be considered by the council. Applicants shall receive a written acknowledgment of their letter of intent and an application packet.

5.3(3) Proposals. Applicants shall submit the proposal to the council chairperson on Form 470-2943. A proposal that does not contain the information specified in the application package or does not arrive by the due date specified in the announcement shall not be considered. At a minimum, proposals must contain the following:

- a. A summary or abstract of the project or service to be provided.
- b. A statement outlining the need or problem to be addressed.
- c. A statement of the purpose and approach to be used.
- d. Goals, objectives, action steps, and timelines for implementation (work plan).
- e. A plan for evaluation.
- f. Applicant’s qualifications and resources to be provided.
- g. A line item budget and budget summary.
- h. Other information identified in the request for proposal or the application packet.

5.3(4) Review and selection. All proposals that meet the minimum criteria stated above shall be evaluated by a selection committee appointed by the council chair. In addition to council members, the selection committee may include representatives from the technical assistance committee and other persons with expertise in a specific area. The selection committee shall review and rank the proposals on the basis of established evaluation criteria. Proposals receiving higher rankings shall be referred to the full council for final review and selection.

- a. *Evaluation criteria.* The following factors are considered in evaluating proposals:
 - (1) Demonstrated knowledge of the problem or need for the project/service.
 - (2) Demonstrated understanding of the purpose of the project/service and adequacy of the overall approach.
 - (3) Feasibility of the project/service plan and conformity with the request for proposals.
 - (4) Appropriateness of the budget in relation to the objectives and methodology.
 - (5) Applicant’s demonstrated expertise and adequacy of resources to be provided.

b. Rejection of proposals. The council may reject any or all proposals on the basis of funds availability or quality of application.

c. Selection records. The council shall maintain a file documenting the review and selection process.

597—5.4(225B) Sole source or emergency selection process. The 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.

5.4(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 project.

b. The work is of such a specialized nature, or related to a specific geographical location, that a single source is determined to be qualified or eligible to perform the service.

c. Sole source selection shall automatically apply to contracts under \$1000 plus allowable travel expenses.

5.4(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 council.

5.4(3) Approval of sole source or emergency selection. Sole source or emergency selection shall be approved by action of the council. The justification for use of sole source or emergency selection and the basis upon which a particular source is selected shall be documented and maintained on file.

597—5.5(225B) Unsolicited proposals. The council may consider unsolicited requests and proposals that address council priorities and responsibilities. Such proposals are forwarded to the council's executive committee for review. Proposals considered pertinent by the executive committee may be referred to the council for consideration and disposition.

597—5.6(225B) Notice of decision. Notification of acceptance or denial of a proposal shall be sent to each applicant.

597—5.7(225B) Request for reconsideration. Applicants not satisfied with the review process may file a request for reconsideration of the denial of an award with the council chairperson. The request for reconsideration must be submitted to the council chairperson within ten working days of the date of the notice of decision and must include the applicant's reasons for dissatisfaction. The request shall be based on a contention that the process violated state or federal law, policy, or rule; did not provide adequate public notice or was altered without public notice; or involved a conflict of interest.

Within ten working days of receiving the request, the council's executive committee shall review the request and evidence provided and issue a final decision.

No disbursements shall be made to any applicant for a period of ten working days after the date of the notice of decision. If a request for reconsideration is received within the ten working days, all disbursements shall be held pending a final decision on the request.

The reconsideration process does not constitute a contested case.

597—5.8(225B) Contract agreements. All funds for approved projects and services shall be awarded through a contract entered into by the council chair and the applicant. Contracts and budgets are negotiated between the council chair or the chairperson's designee and the applicant. The applicant may be requested to modify the original proposal or budget during the course of the negotiations. The contract shall set forth the expectations and terms of compliance between the contractor and the council. The council or the contractor may request a modification of the contract at any time. However, a modification shall not be put into effect until it is approved in writing by both parties.

597—5.9(225B) Contractor records. Contractors shall be required to keep and make available statistical, financial, and other records as required by the council and specified in the contract.

These rules are intended to implement Iowa Code chapter 225B.

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