

STATE OF NEVADA

DEPARTMENT OF EMPLOYMENT, TRAINING, AND REHABILITATION

DIVISION OF VOCATIONAL REHABILITATION

SOLICITATION OF INTEREST (SOI)

SOLICITATION TITLE: CLIENT ASSISTANCE PROGRAM

SECTION ONE - INTRODUCTION

1.01

The purpose of this SOI is to identify organizations that wish to be considered for designation as the statewide agency which administers and operates the State of Nevada Client Assistance Program (CAP) services to individuals with disabilities. Such organizations include, but are not limited to, advocacy organizations, private non-or for-profit organizations, universities, research institutes, legal services organizations, foundations, and state agencies that do not administer any programs funded in the Federal Rehabilitation Act of 1973, as amended, .

The Nevada Department of Employment, Training and Rehabilitation (DETR), Rehabilitation Division currently serves as the CAP agency for the State of Nevada. The Governor has determined that it is appropriate to re-designate the CAP to an organization outside of DETR and the Department of Health and Human Services in order to enhance CAP's ability and perceived ability to act autonomously and independently of the agencies that administer the Vocational Rehabilitation and Independent Living programs in the State of Nevada. To assist him in considering re-designation of the CAP agency, the Governor has directed DETR to identify organizations interested in serving as the State of Nevada's CAP Agency. The organization selected will serve as the statewide CAP agency.

NOTE: This is NOT a Request for Proposals (RFP). The Governor is not legally bound to select any of the submissions received for CAP Agency re-designation. He may, at his discretion, reject all received submissions.

SECTION TWO – THE CLIENT ASSISTANCE PROGRAM (CAP)

2.01

Each state's CAP works to empower, protect, and advocate on behalf of individuals with disabilities and their families. There are numerous CAP systems in the United States and its territories, and each should be independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities.

Federal law provides for a Client Assistance Program (CAP) to:

- Advise and inform clients and client applicants of all services and benefits available to them through programs authorized under the Rehabilitation Act of 1973 (Act), as amended;
- Assist and advocate for clients and client applicants in their relationships with projects, programs, and community rehabilitation programs providing services under the Act; and
- Inform individuals with disabilities in the State, especially individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs, of the services and benefits available to them under the Act and under Title I of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101–12213.
- The specific requirements of the federal CAP system may be found in federal statutes and regulations defining the system. These statutes and regulations are as follows:
 - Protection and Advocacy for Persons with Developmental Disabilities, 42 U.S.C. §15041
 - *et seq.*, 45 C.F.R. 1386.1 *et seq.*;
 - Protection and Advocacy for Individuals with Mental Illness, 42 U.S.C. §10801 *et seq.*, 42 C.F.R. 51.1 *et seq.*;
 - Protection and Advocacy for Individual Rights, 29 U.S.C. §794e, 34 C.F.R. 381.1 *et seq.*;
 - Protection and Advocacy for Assistive Technology, 29 U.S.C. §3004;
 - Protection and Advocacy for Beneficiaries of Social Security, 42 U.S.C. §1320b-21;
 - Protection and Advocacy for Individuals with Traumatic Brain Injury, 42 U.S.C. §300d-53;
 - Protection and Advocacy for Voting Accessibility, 42 U.S.C. §15461; and
 - Client Assistance Program, 29 U.S.C. §732, 34 C.F.R. 370.1 *et seq.*

2.02

Client Assistance Program (CAP) Code of Federal Regulations

These Federal Regulations must be fulfilled as requirements for any the statewide CAP Agency.

Section Contents

Subpart A—General

- [§ 370.1 What is the Client Assistance Program \(CAP\)?](#)
- [§ 370.2 Who is eligible for an award?](#)
- [§ 370.3 Who is eligible for services and information under the CAP?](#)
- [§ 370.4 What kinds of activities may the Secretary fund?](#)
- [§ 370.5 What regulations apply?](#)
- [§ 370.6 What definitions apply?](#)
- [§ 370.7 What shall the designated agency do to make its services accessible?](#)

Subpart B—What Requirements Apply to Redesignation?

- [§ 370.10 When do the requirements for Re-designation apply?](#)
- [§ 370.11 What requirements apply to a notice of proposed Redesignation?](#)
- [§ 370.12 How does a designated agency preserve its right to appeal a Re-designation?](#)
- [§ 370.13 What are the requirements for a decision to redesignate?](#)
- [§ 370.14 How does a designated agency appeal a written decision to redesignate?](#)
- [§ 370.15 What must the Governor of a State do upon receipt of a copy of a designated agency's written appeal to the Secretary?](#)
- [§ 370.16 How does the Secretary review an appeal of a Redesignation?](#)
- [§ 370.17 When does a Re-designation become effective?](#)

Subpart C—How Does a State Apply for a Grant?

- [§ 370.20 What must be included in a request for a grant?](#)

Subpart D—How Does the Secretary Allocate and Reallocate Funds to a State?

- [§ 370.30 How does the Secretary allocate funds?](#)
- [§ 370.31 How does the Secretary reallocate funds?](#)

Subpart E—What Post-Award Conditions Must Be Met by a Designated Agency?

- [§ 370.40 What are allowable costs?](#)
- [§ 370.41 What conflict of interest provision applies to employees of a designated agency?](#)
- [§ 370.42 What access must the CAP be afforded to policymaking and administrative personnel?](#)
- [§ 370.43 What requirement applies to the use of mediation procedures?](#)
- [§ 370.44 What reporting requirement applies to each designated agency?](#)
- [§ 370.45 What limitation applies to the pursuit of legal remedies?](#)
- [§ 370.46 What consultation requirement applies to a Governor of a State?](#)
- [§ 370.47 When must grant funds be obligated?](#)
- [§ 370.48 What are the special requirements pertaining to the protection, use, and release of personal information?](#)

SECTION THREE – FUNDING

3.01

The State of Nevada CAP is funded through federal appropriations which may vary from year to year. The Rehabilitation Services – Client Assistance Program Grant award/amount for Nevada for Federal Fiscal Year 2012 is **\$124,204.00**. It is anticipated that Congress will appropriate a similar amount for Federal Fiscal Year 13. The CAP is dependent upon continued funding but does not receive any state or other funds under current law.

This Grant will be re-assigned to the organization selected utilizing the Federal Grant Transfer Agreement, to provide the State of Nevada CAP services. The Grant will not be Sub-granted to the selected organization.

Re-designation of the CAP to an entity responding to this SOI process is contingent upon continuing appropriation, AND the Governor may re-designate the CAP at his/her discretion in conformance with the Rehabilitation Act of 1973, as amended.

SECTION FOUR –INFORMATION SUBMITTALS FORMAT AND CONTENT

4.01

Proposal Format and Content

The State of Nevada discourages overly lengthy Information Submittals. In order for the State of Nevada to evaluate Information Submittals fairly and completely, Submitting Organization shall follow the format set out in this Solicitation for Information and provide all information requested.

The following section must be included in the interested organization's Information Submittal, utilizing the following format and containing responses to all information requested. If these guidelines are not followed, the Information Submittal may be considered nonresponsive and may be rejected.

4.02

Introduction

Proposals must include:

- A) Letter of Transmittal including:
 - 1) Individual or organization submitting the proposal
 - 2) Full name and address of the organization submitting the proposal
 - 3) Name, mailing address, email address, and the telephone number of the person the State of Nevada should contact regarding the Information Submittal
 - 4) Whether the Information Submittal is from an individual, partnership or corporation. If the Submitting Organization is a corporation, offeror's legal corporate name must be identified and state where incorporated.
 - 5) Whether direct service is being provided by a subcontractor, then the subcontractor's legal corporate name must also be included
 - 6) Information evidencing the authority of person to submit the Information
 - 7) The following statement "All information provided in the enclosed proposal, both program and fiscal, is to the best of my knowledge correct and accurate at the time of submission."
 - 8) Signature of the person authorized to submit Information
- B) Confirm that the Submitting Organization will comply with all provisions as outlined in the Assurances, Federal CFR's, and this Solicitation of Information.
- C) Be signed by a company officer empowered to bind the Submitting Organization

A Submitting Organization's failure to include these items in the Information Submittal may cause the Information Submittal to be determined nonresponsive, and the Information Submittal may be rejected.

4.03

General Agency Information

- A) Provide a brief description of the Submitting Organization's business/agency.
- B) Provide an organizational chart, which includes all staff and subcontractors included in the Submitting Organization's proposed budget.
- C) Provide a copy of the current membership list of the board of directors or governing body, by name and office.
- D) Submitting Organization shall disclose any instances where the Submitting Organization or a subcontractor has a possible conflict of interest and, if so, the nature of that conflict (e.g. employed by State of Nevada).
- E) Submitting Organization must provide three letters of support that are to be limited to only key stakeholders with whom the offeror will consult.
- F) A response may identify a proposed partnership, collaboration, or sponsorship; it may also propose the formation of a new nonprofit organization. Such a response should identify which organization would be designated as Nevada's CAP agency and the anticipated role(s) of the other organization(s) working in partnership with the designated CAP agency. Proposals which seek to sub-contract with a non-responding entity to provide CAP services will not be considered for re-designation.

4.04

Program Description

Describe:

1. The organization's professional experience and qualifications to be designated as the statewide provider of Nevada's CAP services to individuals with disabilities, including that it:
 - a. has professional experience in empowering, protecting, and advocating on behalf of individuals with disabilities;
 - b. is independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities;
 - c. has knowledge of Vocational Rehabilitation programs, American Indian Vocational Rehabilitation programs, and Independent Living Programs, as provide for by the Rehabilitation Act of 1973, as amended;
 - d. has a governing board which includes individuals with disabilities, parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities;
 - e. has fiscal systems that will allow compliance with OMB Circular A-133 and filing of IRS 990.4;
 - f. has the capacity to prepare and submit all required federal reports for the CAP.
2. How the organization will work to empower, protect, and advocate on behalf of individuals with disabilities, including how it will:
 - a. provide services throughout the State of Nevada;
 - b. advocate for individuals with disabilities to ensure they have the ability to exercise their rights to make choices, contribute to society, and live independently;
 - c. protect the personal and civil rights of individuals with disabilities;
 - d. provide legal support to traditionally unserved or underserved populations;
 - e. provide information and referrals and ensure that such information and referrals will be made available in accessible formats and assistance provided to consumers who request assistance in accessing referrals or programs;
 - f. provide training and technical assistance;
 - g. utilize, to the maximum extent possible, alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute;
 - h. conduct community outreach to raise public awareness of VR, AIVR, II and CAP services available to individuals with disabilities and their families; and
 - i. apprise the State of Nevada and other agencies of identified problem areas in the delivery of rehabilitation services to persons with disabilities, and advise the State of Nevada on recommended methods and means of improving agency performance;

4.05

Personnel and Staffing

- A) Provide assurances that no program staff will serve as a staff member of or consultant to any other rehabilitation project, program or facility receiving assistance under the Rehabilitation Act of 1973, as amended.
- B) Provide the method and format for evaluation of staff performance relative to the program.
- C) Submitting Organization shall disclose any instances where any individuals working for the Submitting Organization have a possible conflict of interest and, if so, the nature of that conflict (e.g. employed by State of Nevada).

4.06

Program Goals, Objectives and Evaluation

- A) Program goals and objectives for the implementation of the program, staff training and service delivery must be included. Goals and objectives shall be provided in a manner that are measurable and contain time frames for completion. Submitting Organization shall develop and present an evaluation mechanism whereby the success of the program in meeting its stated goals and objectives and the quality of services delivered can be assessed.
- B) The plan for program evaluation shall include:
 - 1) A method of evaluating services provided; and,
 - 2) Consideration and evaluation of consumer input.

4.07

Proposed Budget

All costs associated with the contract must be stated in U.S. currency.

- A) Submitting Organization must consider the following fiscal requirements:
 - 1) Submit a twelve-month budget.
 - 2) Submit evidence of fiscal solvency; submit a copy of the most recent complete agency wide audit and the most recent agency annual report.
 - 3) Limit administrative costs to extent possible in order to maximize funds available for direct services.
- B) Submitting Organization Proposed Budget must identify costs in the following categories. If a category is not applicable enter "N/A", if the agency is providing resources in a category enter "In-Kind" with clarifying information as to what percentage will be "In-Kind". Proposed budget must meet the program objectives; i.e., administrative costs, direct service costs and use of funds in support of program objectives. For each category, the Submitting Organization shall include a narrative that fully explains and identifies each cost charged to the category. Categories are as follows:
 - 1) Salaries and Wages: The staff costs associated with the program.
 - 2) Fringe Benefits: The expenses associated with the payment of benefits (e.g. health insurance, retirement, etc.). Do not include staff contributions.
 - 3) Consultant Fees: Fees or payments made to a firm or person not in the employ of the offeror or offeror's parent agency, for developing the plan for development, establishment, expansion, or improvement of the program.
 - 4) Equipment Rental: The expense associated with equipment rental or leasing.
 - 5) Subcontracts: Provide an explanation of all services to be subcontracted and the responsibilities of each party.
 - 6) Occupancy: The expenses associated with leasing office or program space. Occupancy expense may also be based on use allowance for facilities owned by the offeror. Occupancy expenses may or may not include utilities. Mortgage payments, principle and interest are unallowable.
 - 7) Utilities: This includes water, sewer, and electricity.
 - 8) Maintenance: The expense associated with cleaning, painting, or the normal repairing and upkeep of the facilities. It does not include capital improvements to facilities. Capital improvements include: construction of walls, partitions, replacement of roof, and furnace.
 - 9) Telephone: Long distance and standard use expense. Phone installation necessary for the project is allowable.

- 10) Material and Supplies: The expense associated with purchasing all materials, publications, and supplies.
- 11) Staff Travel: The expense associated with reimbursing staff for using private vehicles for official business. Allowable expenses for staff meals and other travel expenses should be included and an explanation provided. Mileage reimbursement and other expenses such as meals must not exceed rates reimbursable for state of North Dakota employees. Lodging should be calculated at reasonable lodging rates.
- 12) Insurance: The expenses associated with obtaining insurance coverage (e.g. bonding, liability, board, building, vehicles, etc.).
- 13) Other: Any other costs attributable to the start-up, and service delivery, but which does not fit in any of the above categories. Expenses listed in this line must be fully explained on a separate sheet of paper.
- 14) Indirect Costs: If applicable, include the amount of indirect costs not to exceed 10%. If indirect costs are included, offeror shall submit a copy of the current approved Indirect Cost Rate Agreement or Cost Allocation Plan to the State of Nevada for review and approval. Items included in Submitting Organization's indirect rate cannot be duplicated in other budget line item.

Submitting Organization will provide a total cost for operation of the Client Assistance Program.

Proposed Budgets that do not follow the cost categories and do not include a narrative that fully explains and identifies each cost charged to the category will be considered nonresponsive and may be rejected.

Proposed Budgets priced at more than \$124,204.00 will be considered nonresponsive unless additional revenue sources are clearly identified and the stability of such additional sources of revenue clearly explained.

**4.08
State Assurances**

Following Re-Designation, any statewide CAP Agency must comply with State Assurances as indicated below.

OMB No. 1820-0520
Expires: February 28, 2013

**STATE ASSURANCES
CLIENT ASSISTANCE PROGRAM GRANTS**

SECTION 112 OF THE REHABILITATION ACT OF 1973, AS AMENDED

1. _____
(Name of Agency)
has been designated to operate the Client Assistance Program (CAP) under Section 112 of the Rehabilitation Act of 1973, as amended (Act).
2. The governor will not re-designate the above-named agency without good cause and only in compliance with provisions of Section 112(c)(1)(B) of the Act and the implementing regulations.
3. The designated agency is independent of any agency that provides treatment, services, or rehabilitation to individuals under the Rehabilitation Act; or the state is exempt from the independence requirement under Section 112(c)(1)(A) of the Act and the implementing regulations.
4. The designated agency has the authority to pursue legal, administrative and other appropriate remedies to ensure the protection of the rights of individuals with disabilities in the state who are seeking or receiving treatment, services, or rehabilitation under the Act.
5. The authority to pursue remedies described in paragraph 4 includes the authority to pursue those remedies against the state vocational rehabilitation agency and other appropriate state agencies. The designated agency meets this requirement if it has the authority to pursue these remedies either on its own behalf or by obtaining necessary services, such as legal representation, from outside sources.
6. The state will ensure that all entities conducting, administering, operating, or carrying out programs within the Section will advise all individuals seeking or receiving services under the Act of the existence of the CAP, the services provided by the CAP, and how to contact the CAP.
7. The designated agency will submit to the Secretary an annual report on the operation of the CAP during the previous year consistent with 34 CFR 370.44, including a summary of the work done and the uniform tabulation of all cases handled by the CAP in the format prescribed by RSA.
8. Pursuant to Section 21 of the Act, the designated agency will address the needs of individuals with disabilities from minority backgrounds in the manner set forth in the state's application for CAP assistance.

9. A state must provide to the Secretary, as part of its application for assistance, an assurance that direct payment to the designated agency is not prohibited by or inconsistent with state law, regulation, or policy.
10. The designated agency will meet each of the requirements set forth in Section 112 of the Act and 34 CFR Part 370.

(Signature of Governor)

Date

Paperwork Reduction Act Notice:

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is **1820-0520**. The time required to complete this information collection is estimated to average **10 minutes** per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651. If you have comments or concerns regarding the status of your individual submission of this document, write directly to: Technical Assistance Unit, Rehabilitation Services Administration, 400 Maryland Avenue, SW, Washington, DC 20202-2800

SECTION 5 - Administrative Guidance for SOI Respondents

5.01

Letter of Interest

Organizations interested in receiving solicitation notices related to this SOI are invited to contact DETR's Point of Contact for this SOI citing the offering organization's contact person, phone number, mailing address, and e-mail address. The sole purpose of the letter of interest is to provide Purchasing Agency with a contact person to receive any notices related to the SOI. Submission of a letter of interest is not a requirement for submitting a proposal.

NOTE: This is NOT a Request for Proposals. Rather, it is an invitation to furnish the Governor of the State of Nevada with information regarding an entity's interest and capability to provide necessary CAP services. **The Governor is not legally bound to select any of the submissions received for CAP Agency re-designation. He may, at his discretion, reject all received submissions.**

5.02

SOI RESPONSE FORMAT: Responses should be written, in MS Word format, and should not exceed twenty-five pages double-spaced, 12 point Times Roman font. Responses should be submitted via e-mail to the SOI Contact Person listed below.

Please direct all questions to the Contact Person listed below. There is no guarantee that questions received after the question deadline will be addressed prior to the SOI due date. Answers will be emailed to all organizations that have expressed interest by the SOI Questions Deadline.

5.03

SOI RESPONSE CLARIFICATION: DETR may seek additional information (clarifying or otherwise) following the receipt of the SOI responses. This may be through phone discussions, meetings, correspondence, or in-person interviews, and may be with an individual, subset of respondents, or all respondents.

5.04

SOI NOT BINDING: This SOI is not an offer or commitment and is not capable of being accepted to form a binding agreement. The SOI may be withdrawn or modified at any time, and any responses may be rejected for any reason, or no reason.

5.05

SOI PREPARATION: The State of Nevada is not liable for any costs incurred in the preparation and/or production of any SOI. By submitting an SOI, the respondent agrees not to make any claims for, or have any right to, damages because of any misunderstanding or misrepresentation, or because of any misinformation or lack of information. The responses shall become the property of the State of Nevada.

5.06

SOI CONTACT PERSON:

Mark Bedrosian, Management Analyst III
Vocational Rehabilitation Division, Operations
Department of Employment, Training and Rehabilitation
mrbedrosian@nvdetr.org (775) 684-4082

5.07**SOI Schedule:**

| SOI Activity | Date | Time (PDT) |
|---|-------------|-------------------|
| Release Solicitation | 6/20/12 | |
| Deadline for Receipt of Questions and Clarification | 7/6/12 | 5:00PM |
| Questions and Clarification Responses Issue Date | 7/13/12 | |
| Deadline for Submissions from Respondents | 7/27/12 | 5:00PM |
| Review/Scoring of Respondents to be Completed by | 8/3/12 | |
| Notification of decision/selection sent to new CAP Agency | 9/25/12 | |
| Effective Date of Re-designation of NEW CAP Agency (Start Date) | 10/1/12 | |