

CHAPTER VI SELECTION OF PROVIDERS

Section 1. Selection of New Providers without Competition.

(a) The Administrator may approve the application within the budgetary limitations of the Division if:

(i) It is complete and satisfactorily complies with the applicable federal, state, and local laws and regulations and with the rules of the Division;

(ii) The applicant has the support of the board of county commissioners in the region;
and

(iii) No other application has been received proposing to provide the same or similar services within the same region.

(b) If applications to provide the same or similar services within the same region are received by the Administrator, he shall follow the provisions set forth in Section 2 of this chapter.

(c) When the Division purchases services from a new program provider, the Administrator shall monitor the services provided. Monitoring shall include examination of reports received from or about the provider, on-site examinations, discussions with the board or boards of county commissioners of the county or counties where the services are provided, and recourse to any other pertinent and reliable source of information concerning the provider and its services. During the first year of funding, the program is expected to apply for certification as outlined in Chapter VIII.

Section 2. Screening Process upon Receipt of Competitive Applications for Funding.

(a) When the Division receives competing applications for funding, the Administrator shall study the applications and shall evaluate the eligibility of the programs based on the following criteria:

(i) Compliance with the applicable federal, state, and local laws, and the rules and standards which have been prepared by the Division;

(ii) Demonstrated service experience, performance, and ability to provide the proposed services to the target population in accordance with Division standards for each service area as outlined in Chapter IV of these rules including a demonstration of the following:

(A) Management structure including capable and adequate staffing;

(B) Oversight by the board of directors which board will be representative of the region and capable and willing to oversee the services and participate in the program;

(C) An effective fiscal management policy exists with respect to:

(I) Budget;

- (II) Audit procedure;
- (III) Fee schedule; and
- (IV) Cost effectiveness; and
- (D) Facilities available in which to deliver the services; and

(iii) Adequacy of service delivery plan including:

- (A) A feasible and cost effective approach to service delivery.

(b) When the applicant is applying to serve only a portion of a region or a single service within a service area, the Administrator shall ensure that provision is made for regional coverage of all services within the region before granting funds for any portion of the region or service area.

(c) The Administrator may deny the application after considering the criteria if he finds that the criteria are not substantially met. If the Administrator denies an application because the applicant does not meet the provisions set out in Subsection (a) of this section, he shall issue his order stating his findings and conclusions and serve the order on the applicant.

Section 3. Recommendation on Competing Applicants by Board of County Commissioners.

(a) If the Administrator finds that two (2) or more of the applicants meet the criteria set out in Subsection (a) of Section 2, he shall request that a select committee be appointed immediately as provided in Section 4 of this chapter to study the Administrator's evaluation and to recommend to the Administrator which provider can best and most efficiently serve the community.

Section 4. Same. Select Committee to Make Recommendations.

(a) Members of the select committee shall have no vested or competitive interest in the program or services proposed by the applicants.

(b) Members of the select committee shall be appointed as follows:

(i) In a single county region, the Administrator shall request the board of county commissioners to appoint three (3) members who are residents of the county where the proposed services are to be performed; and

(ii) In a multi-county region, the Administrator shall request each board of county commissioners to appoint one (1) person from each county. If an even number of persons results from those appointments, the Division shall choose an additional committee member from the region.

(c) The provisions of Subsections (a) and (b) of this section do not preclude the county commissioners from acting as the select committee.

(d) The Division shall provide technical assistance to the select committee while reviewing

the applications and shall establish guidelines for the procedure by which the select committee shall make recommendations.

Section 5. Notice of Review.

(a) At the beginning of the review by the select committee, the Division will provide written notification to affected persons, including the public who are to be served by the community program.

(b) Notices will be published in one (1) newspaper of general circulation in the area of the competing application. Such notice will provide the proposed review schedule and the procedure to interested parties to submit written comments.

(c) Notices shall include notice of the public meeting to be held by the select committee, and such notice be provided a minimum of ten (10) days before the date of the hearing. The notice shall include:

(i) The time, place, and nature of the meeting.

(ii) The legal authority and jurisdiction under which the meeting is to be held.

(iii) The particular sections of the statutes and rules involved.

(iv) A short and concise statement of the nature of the applications being reviewed.

(v) Procedure for participation by the public.

(d) The procedure for affected persons or interested parties to submit written comments shall include the address for such comments to be forwarded and the time frame for them to be submitted.

(e) This notice shall be in the form of a legal notice.

Section 6. Procedure for Review by the Select Committee.

(a) A public meeting shall be held on all applications for the same funds. The meeting shall be conducted by the select committee.

(b) The Division shall publish notice of the meeting as outlined in Chapter VI, Section 6.

(c) The public meeting shall be held in the area affected.

(d) The Division shall notify, at a minimum, the following affected parties by certified mail of the public meeting:

(i) The presidents of the boards of directors of the competing applicants; and

(ii) Other organizations determined on an individual basis by the Division.

Section 7. Order of Procedure at the Meeting.

(a) The meeting shall be conducted in accordance with the following order of procedure:

(i) The chairperson of the select committee shall announce that the select committee has convened, introduce the committee members, and announce by the names of the organizations of the applications to be considered.

(ii) Each applicant will be allowed an opening statement to explain and outline the project to the select committee.

(iii) The select committee shall have the opportunity to question the applicants on information presented in the application and on information presented during the opening statement.

(iv) Other interested parties present will each be allowed to make a statement to the select committee regarding any of the competing applications.

(A) Parties making statements at the meeting shall be asked to register prior to the time set for taking public testimony. Such registration should include the name, address, and interest being represented by the person offering testimony.

(B) Persons who have not registered in accordance with Section 7(a)(4)(A) desiring to make a statement to the select committee shall identify themselves to the chairperson by name, address, and interest they represent.

(C) The chairperson shall announce this requirement both at the opening of the public meeting and immediately preceding the taking of testimony as provided in paragraph (iv) of this subsection. A written notice of this requirement shall be posted at the time and place set for hearing.

(v) The select committee shall have the opportunity to question each party making a statement.

(vi) Time for presentation of oral testimony and the questioning of the applicant and other parties may be limited by the chairperson.

(vii) Written statements regarding the applications:

(A) May be submitted to the Division at any time during the review period or to the chairperson of the select committee at the time of the meeting and shall be marked as to the date received and made a part of the record.

(B) Should be addressed to the Administrator of the Division of Community Programs, Department of Health and Social Services, Hathaway Building, Cheyenne, Wyoming 82002.

(viii) Each applicant shall be allowed to make a closing statement to the select committee.

(ix) The chairperson shall then call for discussion of the applications and development of

findings with respect to the applications.

(x) Following the discussion, the chairperson shall call for the vote on the motion of which applicant to recommend to the Administrator for funding.

(A) Each committee member shall have one (1) vote.

(B) To pass, a motion must have a majority vote.

(xi) All meetings conducted by the select committee or Division shall be recorded by a competent reporter or by tape recorder.

Section 8. Review Criteria.

(a) An organization currently under contract by the Division to provide services shall be granted a preference in the subsequent fiscal year to have the contract renewed over other organizations applying for the same contract unless the select committee following a public hearing determines that the organization is no longer entitled to a preference because of any one of the following reasons:

(i) Lack of community support from other human service agencies both state and local, and the public in the service area.

(ii) Failure to provide acceptable services within the region.

(iii) Failure to provide services in a cost effective manner.

(iv) Failure to hire qualified staff.

(v) Failure to provide adequate board and administrative oversight of the program.

(vi) Misuse of funds.

(vii) Other reasons relating to the effectiveness of the services provided by the program and in the opinion of the committee affecting the care and well being of clients. The select committee shall outline such reasons in the findings of the committee submitted to the Administrator.

(b) If the select committee determines that the currently funded organization shall no longer be granted preference, the committee may recommend another applicant to the Administrator.

(c) The select committee shall submit to the Administrator its written findings and name of the recommended program. In cases where the select committee does not recommend the existing provider, the written findings must outline which criteria the review committee felt were not met and give the basis for this decision.

Section 9. Same. Final Selection between Competing Applications.

(a) Upon receipt of the recommendation of the select committee, the Administrator shall select

the recommended applicant to receive funding unless:

(i) The Administrator receives information that the procedures in Sections 3, 4, 5, 6, 7, and 8 of this chapter were not followed by the county commissioners and the select committee.

(ii) The Administrator receives information that the select committee failed to give preference to an existing provider in accordance with the provision in Section 8.

(iii) The select committee fails to provide the administrator with written findings for not granting preference to an existing provider.

(iv) The Administrator receives information that the recommended applicant would not be able to provide acceptable services as required for the purpose of the contract or if misuse of state funds is found. In such cases, the Administrator shall not contract with the applicant recommended by the select committee.

(b) The Administrator shall issue a written statement explaining the reasons for his decision.

(c) The decision of the Administrator is final.