

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201706011 - 3

Originating Department:	85 Health
Division/Program: (i.e. Dept. Division and Program)	8550 Human Services / 855050 Developmental Disabilities
Contract or Grant Administrator:	Jessica Lee
Contractor's / Agency Name:	Kulshan Supported Employment

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201706011

Does contract require Council Approval? Yes No If No, include WCC: _____
 Already approved? Council Approved Date: _____
(Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement?
 Yes No If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded?
 Yes No If yes, Whatcom County grant contract number(s): _____ In process _____

Is this contract the result of a RFP or Bid process?
 Yes No If yes, RFP and Bid number(s): 13-25-2016-18 Contract Cost Center: 673800

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

- If YES, indicate exclusion(s) below:
- | | |
|---|--|
| <input type="checkbox"/> Professional services agreement for certified/licensed professional. | <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). |
| <input type="checkbox"/> Contract work is for less than \$100,000. | <input type="checkbox"/> Work related subcontract less than \$25,000. |
| <input type="checkbox"/> Contract work is for less than 120 days. | <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA. |
| <input type="checkbox"/> Intercal Agreement (between Governments). | |

Contract Amount:(sum of original contract amount and any prior amendments): _____

Varies depending on number of clients and types of services authorized.

Council approval required for; all property leases, contracts or bid awards **exceeding \$40,000**, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, **except when**:

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies.
4. Equipment is included in Exhibit "B" of the Budget Ordinance
5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope: This contract provides funding for services designed to assist eligible individuals with developmental disabilities to pursue and maintain paid employment in integrated community settings.

Term of Contract:	1 Year	Expiration Date:	06/30/2020
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Contract Routing:

1. Prepared by:	JT	Date:	03/28/19
2. Attorney signoff:	RB	Date:	05/10/19
3. AS Finance reviewed:	<i>Bennett</i>	Date:	6/3/19
4. IT reviewed (if IT related):	_____	Date:	_____
5. Contractor signed:	_____	Date:	_____
6. Submitted to Exec.:	_____	Date:	_____
7. Council approved (if necessary):	_____	Date:	_____
8. Executive signed:	_____	Date:	_____
9. Original to Council:	_____	Date:	_____

WHATCOM COUNTY HEALTH DEPARTMENT CONTRACT AMENDMENT

Whatcom County # 201706011

PARTIES:

**Whatcom County
Whatcom County Courthouse
311 Grand Avenue
Bellingham, WA 98225**

**AMENDMENT NUMBER: 3
CONTRACT PERIODS:
Original: 07/01/2017 – 06/30/2018
Amendment #1: 10/01/2017 – 06/30/2018
Amendment #2: 07/01/2018 – 06/30/2019
Amendment #3: 07/01/2019 – 06/30/2020**

AND CONTRACTOR:

**Kulshan Supported Employment
310 Iowa Street
Bellingham, WA 98225**

THE CONTRACT IDENTIFIED HEREIN, INCLUDING ANY PREVIOUS AMENDMENTS THERETO, IS HEREBY AMENDED AS SET FORTH IN THE DESCRIPTION OF THE AMENDMENT BELOW BY MUTUAL CONSENT OF ALL PARTIES HERETO

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DESCRIPTION OF AMENDMENT:

1. Extend the duration and other terms of this contract for 1 year, as per the original contract "General Terms, Section 10.2, Extension".
2. Amend Exhibit A – Scope of Work, as follows:
 - a. Replace "Community Access" with "Community Inclusion".
 - b. Remove the word "training" from *Section II. Service Types, Group Supported Employment (a) and Section IV. Service Requirements, C. Group Supported Employment (1)*.
3. All other terms and conditions remain unchanged.
4. The effective start date of the amendment is 07/01/2019.

ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND ANY PREVIOUS AMENDMENTS THERETO REMAIN IN FULL FORCE AND EFFECT. ALL PARTIES IDENTIFIED AS AFFECTED BY THIS AMENDMENT HEREBY ACKNOWLEDGE AND ACCEPT THE TERMS AND CONDITIONS OF THIS AMENDMENT. Signature is required below.

APPROVAL AS TO PROGRAM: Anne Deacon 5/20/19
Anne Deacon, Human Services Manager Date

DEPARTMENT HEAD APPROVAL: Regina A. Delahunt 5/22/19
Regina A. Delahunt, Health Department Director Date

APPROVAL AS TO FORM: _____
Royce Buckingham, Civil Deputy Prosecuting Attorney Date

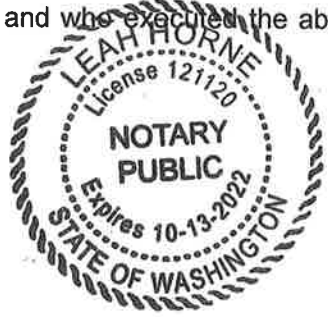
FOR THE CONTRACTOR:

Matthew C Carlson | Matthew Carlson Director | 5/16/19
Contractor Signature | Print Name and Title | Date

STATE OF WASHINGTON)
COUNTY OF WHATCOM)

On this 16th day of May, 2019, before me personally appeared Matthew C Carlson, to me known to be the signer and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Leah Horne
NOTARY PUBLIC in and for the State of Washington
Residing at 1000 E Holly St Bellingham WA 98225



My Commission expires: 10/13/2022

FOR WHATCOM COUNTY:

Jack Louws, County Executive Date

STATE OF WASHINGTON)
COUNTY OF WHATCOM)

On this _____ day of _____, 2019, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
Residing at Bellingham.

My Commission expires: _____

EXHIBIT "A" – Amendment #3
(SCOPE OF WORK)

I. Background

The purpose of this contract is to provide "Pathways to Employment" and "Community Inclusion" services to eligible individuals with developmental disabilities. Pathways to Employment services assist working age adults to pursue and maintain paid employment in integrated community settings. Community Inclusion services support individuals who are retired or no longer seeking employment to increase their independence and inclusion in the community.

All services are individualized to reflect the individual's interests, strengths, gifts, talents, and service goals.

This contract reflects the community values and goals of the Whatcom County Developmental Disabilities Advisory Board, the Whatcom County Developmental Disabilities program, the Washington Department of Social and Health Services (DSHS) work order for the current biennium and the County Guidelines published by DSHS and available at https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/c_guidelines.pdf.

II. Service Types

The contractor has applied for and been accepted and monitored as a qualified provider for the services indicated, below.

- Individual Supported Employment
- Group Supported Employment
- Community Inclusion

These services are defined in the table below, based on the definitions found in the DSHS/DDA Program Agreement for the current DDA biennium.

Service Type	Service Description	Service Goals
Individual Supported Employment	<ol style="list-style-type: none"> 1. These services are part of an individual's pathway to integrated employment in typical community jobs. 2. These are individualized services necessary to help persons with developmental disabilities obtain and maintain integrated employment at or above the state's minimum wage in the general workforce. 3. These services may include intake, discovery, assessment, job preparation, job marketing, job supports, recordkeeping and on-going support to maintain a job. 	<ol style="list-style-type: none"> a. Establish employment opportunities for participants within local businesses on a one-person/one-job basis or self-employment in line with the DSHS/DDA self-employment guidelines. b. Develop work opportunities regardless of the level of disability c. Develop relationships with and support from co-workers without disabilities (i.e. natural supports) d. Earn sufficient wages to increase self-sufficiency and meet or exceed living expenses e. Develop skills necessary to increase independence on the job and decrease dependence on paid supports. f. Make measurable progress toward the individual's employment goals
Group Supported Employment	<ol style="list-style-type: none"> 1. These services are part of an individual's pathway to integrated employment in typical community jobs. 2. These services are intended to be short term and offer ongoing supervised employment for groups of no more than eight (8) workers with disabilities in the same setting. 3. Examples include enclaves, mobile crew and other business models employing small groups of workers with disabilities in integrated employment in community settings. 	<ol style="list-style-type: none"> a. Establish supervised employment opportunities for small groups of participants within local business, industry and community settings b. Develop relationships with and support from co-workers without disabilities (i.e. Natural supports) c. Earn sufficient wages to increase self-sufficiency and meet or exceed living expenses d. Develop skills necessary to increase independence on the job, and decrease dependence on paid supports. e. Make measurable progress toward the individual's employment goals and toward integrated employment at minimum wage or better.
Community Inclusion	<ol style="list-style-type: none"> 1. These individualized services are provided in typical integrated community settings for individuals in retirement or no longer pursuing employment 2. Services will promote individualized skill building which supports the individual to actively and independently engage in their local community. 3. Activities will provide opportunity to develop relationships and to learn, practice and apply skills that result in greater independence and community inclusion. 4. These services may be authorized instead of employment support for working age individuals (21-62) who have received nine months of employment support and choose to no longer pursue employment. 	<ol style="list-style-type: none"> a. Participation in integrated community activities of clients' choice similar to individuals without disabilities of the same age. b. Membership/leadership in local community clubs and associations based on interest and culture c. Foster connections between persons with disabilities and persons without disabilities who are not paid developmental disabilities staff d. Enhance or maintain the persons' competence, integration, physical or mental skill.

III. Statement of Work

The Contractor will develop an individualized service plan for each client based on his or her interests, skills and abilities. Support will be provided as defined below to make measureable progress toward the client's service goals as outlined in the plan.

A. Client support

"Support" provided in the implementation of client services, as referenced herein, is defined as staff time spent on behalf of the program client to achieve community employment or inclusion goals. In addition to those activities specifically outlined within the billable activities, below, "support" when used within a definition typically refers to one of the three following activities:

1. **Monitoring** of client employment or community inclusion activities (e.g., ensuring safety, quality etc.);
2. Providing verbal or physical reminders or **prompts** for the client to successfully complete or engage in employment or community inclusion activities; or
3. Providing partial or total 1:1 **physical assistance** to allow the client to successfully complete or engage in employment or community inclusion activities.

B. Pathway to Employment Billable Support Activities

Pathway to Employment includes both Individual Employment (IE) and Group Supported Employment (GSE). Billable support activities for Pathway to Employment services are found on the Washington State Department of Social & Health Services Developmental Disabilities Administration (DSHS/DDA) website, and may be amended or updated with prior notification by the County without a contract amendment. <https://www.dshs.wa.gov/dda/county-best-practices>

C. Community Inclusion Billable Support Activities

Billable support activities for Community Inclusion services are found on the DSHS/DDA website, and may be amended or updated with prior notification by the County without a contract amendment. <https://www.dshs.wa.gov/county-best-practices>

D. Individualized Plan for Services

The Contractor is required to have a written, individualized service plan for each client, completed within 60 days of County authorization. This individual plan is meant to be the "driver" or basis for support services delivered by the Contractor. The individual plan must be updated and reviewed at least annually by the planning team, as described below.

The individual plan requires the development of a planning team including the client, client's guardian when applicable, DSHS/DDA Case Resource Manager, and others identified by the client to provide input. At a minimum, the DSHS/DDA Case Resource Manager and the individual/guardian will receive a copy of the completed plan. Other members of the planning team may request a copy with the client's permission.

Required elements of both Pathways to Employment and Community Inclusion plans are outlined in the County Program Implementation Guide, referenced in Section 7.

E. Progress Updates

For all clients, the Contractor shall document measureable progress toward achieving the individual's service goals every 6 months in a format approved by the County. Six (6) month progress updates must be sent to the DSHS/DDA Case Resource Manager and the client/guardian.

If clients receiving Individual Employment or Group Supported Employment services have not obtained paid employment at minimum wage or better within six (6) months the contractor will:

1. Review the progress toward service goals
2. Provide evidence of consultation with the family/client
3. Develop additional strategies with the family/client, county staff, employment support staff and case manager as appropriate. Strategies may include technical assistance, changing to a new provider and/or additional resources as needed to support employment goals.
4. Document the additional/new strategies developed for each client with the client's file.

If after 12 months the client remains unemployed, an additional review will be conducted. The Contractor will address steps outlined in the previous six month progress report in the next 6 month progress report. The client may request to participate in Community Inclusion activities or the client can choose to remain in an employment program. Individuals requesting to participate in Community Inclusion activities will be referred to his/her DSHS/DDA Case Resource Manager.

IV. Service Requirements

A. All Services will:

1. Be individualized and unique to the client's Individualized Pathway to Employment or Community Inclusion Plan.
2. Ensure continued movement toward inclusive settings, integration and connection with others in the community without disabilities.
3. Provide supports in a variety of settings and in a broad range of activities that will contribute to his/her individual service goals.
4. Provide staff and training interventions at appropriate levels to safely and effectively meet the needs of the client.
5. Promote independence through skill development and training, including the effective use of public transportation.
6. Implement curriculum, work activities, routines, and other materials used to facilitate learning that are relevant to the age and individual needs of each client.
7. Emphasize the development of natural community supports, in conjunction with, but not an over-reliance on, public funds. Natural supports are those provided by individuals in the work or community environment who are not paid to support the client.
8. Demonstrate measurable progress toward achieving the client's individualized service goals.
9. Include at minimum monthly contact by the contractor.
10. Provide support to the client at a service level proposed by the Contractor, approved by the County and authorized by the DSHS/DDA Case Resource Manager. Service levels will be authorized in accordance with:
 - Washington Administrative Code (WAC) 388-828-9325 through 9360 for Employment Services
 - Washington Administrative Code (WAC) 388-828-9300 through 9310 for Community Inclusion Services
 - County Implementation Guide for Employment and Community Inclusion Services
11. Adhere to 42CFR 441 530(a) (1) related to Home and Community Based settings which requires:
 - a. The service setting is integrated in and supports full access to the greater community;

- b. Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS;
- c. Provides opportunities to seek employment and work in competitive integrated settings; and
- d. Identifying settings that isolate people from the broader community or that have the effect of isolating individuals from the broader community of individuals who do not receive Medicaid HCB services. These settings are presumed not to be home and community-based.

B. All Employment Services will:

1. Emphasize maximum integration with co-workers without disabilities. All efforts will be made to promote employer responsibility for workers with disabilities, including exploration of direct employment of clients by the business/industry in Group Supported Employment.
2. Ensure that pay for work performed is commensurate with pay to other employees doing the same type and amount of work.
3. Ensure compensation in accordance with applicable federal and state laws and regulation. This includes, but is not limited to section 14 (C) of the Federal Fair Labor Standards Act (FLSA), RCW 39.12.022, RCW 49.46.060, RCW 49.46.020 and WAC 296-128-050 and Washington State Labor and Industries requirements and procedures for payment of sub-minimum wage.
4. Ensure that all individuals, regardless of their disability, are provided the opportunity to pursue employment. Some participants may need more support than others and may spend time in activities that will prepare the participant for future community employment.

C. Group Supported Employment (GSE) will:

1. Ensure paid work is available for all clients authorized for these services. In the event that contracted work is no longer available or insufficient to maintain a GSE work site, the provider is expected to notify the County to determine appropriate next steps related to client authorization.
2. Work towards establishing permanent integrated employment at or above minimum wage.

D. Community Inclusion Services will:

1. Focus on activities that are typically experienced by the general public. Support to participate in segregated activities and/or specialized activities will not be reimbursed. Segregated and specialized activities are those which are organized and designed for individuals based on their disability.
2. Not be provided simultaneously with employment services, unless approved by exception by DSHS/DDA.
3. Ensure the health and safety of participating clients.
4. Ensure a positive image and development of relationships, increased competence, individualized skill-building, and other benefits identified in the client's plan. Services will occur individually or in a group of no more than 2 or 3 individuals. Group services may only occur when based on similar interests and needs.
5. Allow a client to discontinue services in order pursue work and to receive employment support at any time.

V. Program Implementation Requirements

The Developmental Disabilities Program Implementation Guide, Employment and Community Inclusion Services is incorporated by reference into the Scope of Work as presently adopted or subsequently amended and can be located at <http://www.whatcomcounty.us/713/Contractors>. The purpose of the Program Implementation Guide is to detail implementation requirements including policy and procedure for Pathways to Employment and Community Inclusion services.