# Vocational Rehabilitation Standards for Providers Manual Chapter 2: Obtaining a Contract for Goods or Services

The contractor and contractor staff that provide services described in this chapter also must comply with Chapters 1–3 of the VR Standards for Providers manual.

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## 2.1 Overview of Contracts

The Texas Workforce Commission (TWC), on behalf of Texas Workforce Solutions Vocational Rehabilitation, purchases contracted goods and services defined in the Vocational Rehabilitation - Standards for Providers Manual (VR-SFP) only from providers with a current contract for that good or service. A contractor must comply with all the requirements published in the manual and must not provide goods or services until the contractor receives a service authorization from TWC on behalf of the customer.

TWC requires all contractors to read and conform to the following chapters of the VR-SFP manual:

* Chapter 1: Introduction to Vocational Rehabilitation
* Chapter 2: Obtaining a Contract for Goods or Services
* Chapter 3: Basic Standards
* The appendices (including the VR Standards for Providers Glossary (PDF))
* Any chapter relating to the goods or services that the contractor plans to provide, including Chapter 20: Premiums when applicable.

All state agencies are required to publish solicitations for purchases of $25,000 or more on the Electronic State Business Daily (ESBD), which is maintained by the Texas Comptroller of Public Accounts. The solicitations are referred to as open enrollment postings.

TWC publishes open enrollment postings for services, goods, and/or equipment when TWC needs bilateral contractors. To provide TWC with services, goods, and/or equipment through a bilateral contract, potential contractors must respond to the posting. Enrollment postings are published on the ESBD for a minimum of 21 calendar days.

This chapter provides basic information on:

* the application process for contracts;
* the standard terms and conditions for customer service contracts;
* data security and confidentiality;
* the orientation session for providers;
* contract renewals; and
* contract amendments.

## 2.2 Eligibility for a Contract

An Open Enrollment Application Packet is considered acceptable and responsive only if it:

* meets all required criteria and specifications, including containing all the completed forms in the enrollment posting, following the instructions in the solicitation and forms;
* includes the documentation necessary to demonstrate compliance with applicable requirements on licensure, certification, and credentials;
* includes all necessary signatures; and
* is submitted during the open enrollment period

All respondents must follow all the instructions provided in the specific ESBD enrollment posting. Each posting is identified by a unique enrollment requisition number. Postings also may include specifications and requirements that must be addressed in the application process.

Before submitting the Enrollment Application Packet, the respondent must read Chapter 3: Basic Standards and all other chapters in the VR-SFP manual that are associated with the services, goods, and/or equipment that the respondent wants to provide.

Failure to provide a complete and accurate application packet may prevent the respondent from being eligible for a TWC contract, as explained in the enrollment posting.

Failure to provide missing information when requested will prevent the respondent from being eligible for a TWC contract.

Entities, applicants, businesses and/or individuals that are debarred or excluded by the federal government are excluded from receiving Federal contracts or certain subcontracts, and certain types of financial and nonfinancial assistance and benefits. Entities, applicants, businesses and/or individuals that are debarred or excluded by the State of Texas are excluded from doing business with the state.

TWC may consider past performance when determining whether to award a contract to an Applicant, or any other factor it deems to be in the best interest of TWC or the State of Texas.

As part of the application process, TWC may perform an onsite and in-person inspection of an applicant's location(s) when services will be provided at the applicant's location(s).

## 2.3 Awarded Contracts

Awarded contracts describe the services, goods, and/or equipment that the contractor is approved to provide.

Each contract includes standard terms and conditions. Many TWC contracts offer the opportunity for renewals.

When a contract is awarded, the contractor must ensure that all the documentation and supplemental information provided in the application remains accurate, up-to-date, and on file with the assigned Regional Quality Assurance Specialist and/or Regional Program Support Specialist for Texas Workforce Solutions–Vocational Rehabilitation Services (TWS-VRS). If a contractor does not know who their assigned Regional Quality Assurance Specialist and/or Regional Program Support Specialist is, they should email vr.standards@twc.texas.gov .

## 2.4 Standard Terms and Conditions for Contracts

All contracts resulting from an enrollment posting include the applicable TWC Standard Terms and Conditions for Contracts.

## 2.5 Data Security and Confidentiality of Contracts

All contractors and subcontractors that access, create, or maintain confidential information must ensure the protection and security of all confidential information, as described in the contract.

## 2.6 Provider Orientation

TWC requires, as a condition of their contract, all providers to attend a program orientation and a contract orientation prior to the contract being activated so service authorizations can be issued.

Upon completion of the orientations, each contractor receives a copy of the contract, signed by both the contractor and TWC.

TWC does not allow the contractor to provide contracted services, goods, and/or equipment until the contractor completes the orientations.

## 2.7 Renewing Contracts

### 2.7.1 Renewal Options

When contract renewal options exist and TWC has a continued need for the contractor's services, goods, and/or equipment, the TWC contract manager may process a renewal amendment for the contract before the date the contract expires.

TWC conducts a renewal assessment before renewing any contract. Renewal amendments must be signed by all parties before the current contract expires.

### 2.7.2 Renewal Assessment

TWC decides whether renewing a contract is in the best interest of the customer and TWS-VRS.

The renewal decision is based on TWC's evaluation of the:

* contractor's past and current performance;
* contractor's past and current compliance with the contract's terms;
* contractor's past and current compliance with the VR Standards for Providers;
* contractor's past and current provision of services, goods, and/or equipment;
* need for the contractor's services, goods, and/or equipment based on changes in state or federal laws, rules, or regulations;
* availability of funds to support the use of the contract; and
* availability of other providers that offer the same or similar services, goods, and/or equipment.

### 2.7.3 Contracts with No Renewal Options

When an expiring contract has no renewal options, the contractor may reapply by responding to an open enrollment posting published on ESBD. Ideally, the existing contractor should reapply before the contract expires, to prevent a lapse in the contractor's ability to serve Vocational Rehabilitation customers.

## 2.8 Amendments to Contracts

Any changes, additions, or deletions to contracted services, physical locations, service areas, or terms that modify the contract in any manner require a written contract amendment. Contract amendments are issued by the TWC contract manager assigned to the contract and must be signed by both parties.

TWC may issue a unilateral amendment, which does not require the contractor's signature, under circumstances that include the following:

* Correcting an obvious clerical error in the contract
* Incorporating new or revised federal or state laws, regulations, rules, or policies
* Changing the name of the contractor to reflect the contractor's name, as recorded by the Texas Secretary of State
* Amending the name and address of a contact

### 2.8.1 Adding Counties or Services, Goods, and/or Equipment to a Contract

If the services, goods, and/or equipment to be provided or the counties to be served were included in the original enrollment posting published on the ESBD, the contractor may add them to the contract by requesting an amendment.

Open enrollment solicitations require applicants to describe the preferred service area for providing services, but contractors will not be precluded from serving customers in any area stated in the solicitation. Contractors whose contracts were awarded as a result of a solicitation that occurred prior to 2020 must have an amended contract in order to provide services in counties other than those listed in the contract.

If TWC determines that there is a current need for the services, goods, and/or equipment, TWC may approve the amendment. The contractor must request a change in the services or goods and equipment their contract allows them to provide to TWC customers. The contractor must ensure all the documentation and supplemental information provided in the application is accurate, up-to-date, and on file with the assigned Regional Quality Assurance Specialist and/or Regional Program Support Specialist.

If the services, goods, and/or equipment or the counties were not included in the original enrollment posting, the contractor must submit a new application that corresponds to an active enrollment posting.