

Utah Works

Policies and Procedures

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A. INTRODUCTION

In 2006, the Utah State Legislature revised the State Use Law that was in effect at the time (SB 59, Purchasing from People with Disabilities Amendments). The creation of the Board for the Purchasing from People with Disabilities (hereinafter, The Board) and the CNA (central nonprofit agency) added structure to the existing law 63-56-425. Note that the familiar term “state use” does not appear in the law creating the program. For the purpose of clarity hereafter the program 63-56-425 will be referred to as the State Use Program (SUP).

Nothing in the law or the rules is to be interpreted as prohibiting CRPs (community rehabilitation programs) from bidding competitively on the open market to sell commodities or services to the State. In such cases, the services of the Committee or the CNA are not mandated and fall outside of the SUP 3-56-425.

The primary benefit to participating CRPs is the concept of “set-aside.” Commodities and services placed on the procurement list are reserved or set-aside for as long as the state requires the commodity or service, and that it can be provided at reasonably competitive price. This creates a long-term relationship, which is beneficial to both CRPs and procuring agencies. The greatest benefit of this law is the creation of long-term, stable employment for people with disabilities.

The Board for the Purchasing from People with Disabilities

SB59/Utah 63-56-425 creates the Board for Purchasing from People with Disabilities. The three members include the Director of Purchasing (or designee), the Director of Vocational Rehabilitation (or designee), and one member appointed by the Governor, with the advice and consent of the Senate. This latter member will be a private citizen conversant with the problems incidental to the employment of persons with a disability and will serve a three-year term.

The responsibilities of the Board are outlined in 63-56-425 and include the following:

1. Establish and maintain the preferred procurement list.
2. Determine the reasonably competitive price of all commodities and services offered for sale by the CNA and the CRPs.
3. Select the CNA (central nonprofit agency).
4. Monitor the activities of the CNA to ensure the interests of the persons with disabilities are advanced.
5. Monitor the performance of the CNA, to ensure quality products and services are provided to the state.
6. Maintain certain information pertaining to the program, and submit an annual report to the legislature.

Additionally, and very importantly, the Board may adopt rules for implementing, extending, administrating, or improving the program.

The Central Nonprofit Agency (CNA)

The function of the Central Nonprofit Agency (CNA), hereinafter referred to as **Utah Works**, is defined in Utah 63-56-425 and may be appointed by the Board.

Specific responsibilities of the CNA listed with the law include:

1. Represent qualified CRPs to the Board for Purchasing from People with Disabilities and to state agencies.
2. Evaluate the qualifications and capabilities of CRPs.
3. Oversee CRPs to ensure compliance with the contract performance and quality standards.
4. List the commodities and services of participating CRPs.
5. Research and assist the CRPs in developing new products and upgrading existing ones.
6. Provide for procedures to resolve formal and informal grievances and complaints.
7. Provide information supporting reasonably competitive pricing.
8. Present an annual report to the Board.

B. QUALIFIED PARTICIPANTS APPLICATION PROCESS

Any employment oriented nonprofit agency employing persons with disabilities desiring to participate in the Utah State Use Program must complete the application process described below.

A qualified community rehabilitation program (CRP) must meet the following criteria:

1. Be a program operated primarily for the purpose of employment and training of persons with a disability (ADA 1990, 42 U.S.C. 12102)
2. Be a government agency or a not-for-profit corporation (26 U.S.C. Sec. 501(c) (3) of the Internal Revenue Code)
3. Maintains a direct labor ratio where 75% of the employees have severe disabilities
4. Complies with all applicable occupational health and safety standards
5. Is a documented Community Rehabilitation Program per UTAH 63-56-425 or is a supported employment program approved by the Utah State Office of Rehabilitation (USOR) or is.
6. Has its principal place of business in Utah
7. A majority of those served (program participants) are domiciled in Utah

APPLICATIONS PROCESS

1. The applicant will submit the application for participation to Utah Works, 3495 South West Temple, Salt Lake City, UT 84115. (See application form on page 7)
2. Each application will document the seven criteria above required of qualified community rehabilitation programs.
3. Utah Works will review the application and make a recommendation of inclusion or exclusion to the state use program to the State Use Board.
4. The Board will either approve or disapprove the request for participation.
5. The Board will send a letter to the applicant notifying them of their decision.
6. All applicants approved for participation in the state use program will enter into an agreement with Utah Works, to be signed by the Chief Executive Officer of the applicant, the Executive Director of Utah Works and the Chair of the Board.

BOARD APPLICATION AND APPROVAL

To qualify for participation in the State Use Program, the CRP must follow the procedures listed, which are established by the Board:

1. Recognize Utah Works has the responsibility to represent qualified CRPs in dealing with state purchasing agents and other bodies charged with purchasing responsibilities.
2. Maintain an ongoing placement program, which includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintains a liaison with appropriate community services for the placement in such employment of any of its workers qualifying for placement.
3. Furnish commodities and/or services in strict compliance with contact specifications.
4. Make appropriate records available for inspection by the Board or CNA at any reasonable time.
5. Maintain records of direct labor hours performed, and hours worked, by each worker and report on the approved quarterly report.
6. Comply with the applicable occupational health and safety standards prescribed by the US Department of Labor and the State of Utah.
7. Maintain a file on each worker with a disability which includes reports of preadmission evaluation, and annual re-evaluation of the individual's capacity for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interest, aptitudes and abilities of person with disabilities.
8. Make full disclosures to the CNA of all facts related to the costs, overhead, or profits in the production of a commodity or the provision of a service sold to the state under the auspices of the SUP.
9. Maintain an average of 75% or more employees with disabilities on the sum of all State Use contracts. If this condition cannot be maintained, a plan must be submitted to the Board for their approval, which will establish or re-establish a minimum level of 75% of utilization of workers with disabilities for Direct Labor.
10. Enter into a formal agreement with the CNA as evidenced by submitting a signed copy of the SUP Agreement.

Remaining a viable participant in the State Use Program includes several items, with the most basic issues being:

1. Provide a quality product or service;
2. Maintain a minimum employment ratio of 75% of workers with disabilities on the sum of all SUP projects;
3. Signing and adhering to the annual agreement with the CNA
4. Submitting timely Quarterly State Use Reports, and
5. Submitting all program fees to Utah Works in a timely manner.

Nothing in the State Use Program is to be interpreted as prohibiting CRPs from bidding on the open market to sell commodities or services to the State. In such cases, the services of the Board and the CNA, including the set-aside provisions, are neither mandated nor invoked.

**BOARD FOR THE PURCHASING FOR PEOPLE WITH
DISABILITIES**

APPLICATION FOR PARTICIPATION

This application is a request to become recognized as a qualified participant in the Utah State Use Program within the Utah code, and the related rules established by the Board for the Purchasing from People with Disabilities (hereafter referred to as the Board,) and the terms and conditions as outlined in the program agreement. Applicants and qualified participants will be referred to as Community Rehabilitation Programs (CRP.)

CRP Name _____

Street Address _____

Telephone number _____ Fax number _____

Name and title of point of contact for State Use Program contracts _____

Please attach the following documents to this application.

____ 1. Documentation applying CRP is a nonprofit agency under Section 501(c) (3) of the Internal Revenue Code, for the purpose of serving individuals with disabilities.

____ 2. Articles of Incorporation

____ 3. By-Laws of the corporation

____ 4. If commensurate wages are paid, attach a copy of the current US Department of Labor Certificate authorizing wage payments pursuant to 29 U.S.C. § 214 (C.)

____ 5. A list of the current Officers of the Corporation showing their names, addresses and phone numbers

____ 6. A copy of the letter or certificate from the Utah Secretary of State's office documenting applicant's registration as a charitable organization

By signing this application below, the above named organization agrees and certifies to the following terms and conditions pursuant to participation in the Utah State Use program. We the undersigned on behalf of the above named corporation agree to:

1. Recognize the Central Nonprofit Agency (CNA) (Utah Works) has the responsibility to represent qualified Community Rehabilitation Program in dealing with state purchasing agents and other bodies charged with purchasing responsibilities.
2. Maintain an ongoing placement program, which includes at least pre-admission evaluation and annual review to determine each worker's capability for normal competitive employment and maintains a liaison with appropriate community services for the placement in such employment of any of its workers qualifying for placement.
3. Furnish commodities and/or services in strict compliance with contract specifications.
4. Make appropriate records available for inspection by the Board or CNA at any reasonable time.
5. Maintain records of direct labor hours performed, and hours worked, by each worker and report on the approved quarterly report.
6. Comply with the applicable occupational health and safety standards prescribed by the US Department of Labor and the State of Utah.
7. Maintain a file on each worker with a disability which includes reports of pre-admission evaluation, and annual reevaluation of the individual's capacity for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interest, aptitudes and abilities of person with disabilities.
8. Make full disclosure to the CNA of all facts related to the costs, overhead, or profits in the production of a commodity or the provision of a service.
9. Maintain an average of 75% disabled employees on the sum of all State Use contracts. If this condition cannot be maintained, a plan must be submitted to the Board for their approval, which will establish or reestablish this 75% level of utilization.
10. Enter into a formal agreement with the CNA as evidenced by submitting a signed copy of the State Use Program Agreement.

The Board may revoke the right of any CRP to participate if, at any time, the Board determines the CRP is not in compliance with all of the requirements in Utah 63-56-425.

Name of Chief Executive Officer _____

Signature of Chief Executives Officer _____

Date of signature _____

Name of Chair/President of the Board of Directors _____

Title of Chair/President of the Board of Directors _____

Signature of Chair/President of the Board of Directors _____

Date of signature _____

This application and copies of all requested documents shall be submitted to:

Utah Works
3495 South West Temple
Salt Lake City, UT 84115

C. ANNUAL AGREEMENT

APPROVED BY THE BOARD FOR THE PURCHASING FROM PEOPLE WITH
DISABILITIES

AGREEMENT BETWEEN
Utah Works

AND

[CONTRACT PROVIDER]

TO PROVIDE
SERVICES AND/OR COMMODITIES UNDER
THE UTAH STATE USE PROGRAM

This agreement made this 1st day of July 2006, and in effect until June 30, 2007, by and between Utah Works hereinafter known as Utah Works, acting as the designated Central Nonprofit Agency. Whereas, Utah Works and Contract Provider have agreed that Contract Provider shall provide Utah Works with the agreed upon services and or products, the parties desire to reduce their agreement to writing as follows:

This agreement constitutes the acceptance of the contract made by and between Utah Works and the Contract Provider for contract services and/or products for the Utah State Use Program. Deliverables to be performed are forthcoming in separate Purchase Orders for each State Use Contract.

The Contract provider shall not reassign, transfer, or in any way relinquish or alter the responsibility of directly performing the work associated with any contract under the auspices of this agreement without the express written consent of both Utah Works acting as the Central Nonprofit Agency, and the Board for the Purchasing from People with Disabilities.

Relationships between parties:

The Contract Provider agrees that it is an independent contractor and not an employee of Utah Works for any purpose, and as an independent contractor, the Contract Provider shall have the sole responsibility for controlling the work performed under this agreement, provided that the specifications of the contract are met or exceeded.

The Contract Provider shall have sole responsibility for hiring, firing, training, supervising, and all other aspects of employment of personnel. Contract Provider will have the sole responsibility for any and all actions taken by their personnel while executing any contract under this agreement, or while on state property prior to, or preciously to the execution of any contract under his agreement.

General Provisions:

The Contract provider hereby warrants, guarantees, and covenants that it shall comply with all local, state and federal laws or regulations,

The Contract Provider agrees to protect, defend, indemnify and hold harmless Utah Works, its Directors, officers, employees, volunteers and subsidiaries individually and jointly, from all suits, claims, liability, losses, causes of action or any other obligation including defense costs arising out of or in any manner connected with the services and/or products covered by this Agreement, including without limitation incidents involving bodily injury, death, property damage or any violation of any federal, state or local law or regulations.

Requirements of Contract Provider:

1. Insurance-Contract Provider further agrees during the term of this agreement to maintain insurance. Certificates verifying insurances and special provisions requested shall be furnished to Utah Works before commencement of work. With the exception of Workers Compensation, insurance policies shall be written with a company licensed to do business in Utah. The following insurance is required:
 - a. Workers Compensation (statutory limits)
 - b. Employer Liability
 - \$1,000,000 Bodily Injury (each accident)
 - c. Commercial General Liability insurance Limits:
 - \$1,000,000-Combined single limit, (CSL) for bodily injury and/or property damage per occurrence
 - \$1,000,000-Products, completed operations aggregate
 - \$3,000,000-General aggregate
 - d. Any additional insurance requirements pertaining to the State Contract held
 - e. Automobile Liability Insurance-On sites where automobile usage is necessary. Limits \$1,000,000 Combined single limit for bodily injury and/or property damage per accident.
2. Contract Provider will remain in good standing with Workers Compensation.
3. Contract Provider will send Utah Works on a quarterly basis the "Utah State Use Quarterly Report."
4. Contract Provider will maintain an average of 75% disabled employees on the sum of their State Use Contracts. If this condition of 75% disabled is not met, the Contract Provider will submit to the Board for the Purchasing from Persons with Disabilities a plan of action to obtain this level.
5. Contract Provider will notify Utah Works of any fact that might jeopardize compliance with the specifications and standards for the work to be performed.
6. Contract Provider's insurance shall contain a 30-day notification to Utah Works of any limits change or cancellation.
7. Contract Provider will make a full disclosure to Utah Works of all facts related to costs, overhead or profits in the production of a commodity or provision of a service.

8. Contact Provider will comply with all Board requirements of participation. Contract Provider will remit to Utah Works, On behalf of the Board, any information that changes, alters, or amends any information previously submitted pertinent to meeting the requirements of a qualified CRP.

Requirements of Utah Works

Utah Works agrees that it will during the term of this Agreement:

1. Partner with the Contract Provider in developing suitable services and or Products to be procured by State Agencies, political subdivisions and Colleges and Universities of the State through the State Use Program.
2. Represent the Contract Provider in the sales of its services and/or products to State Agencies, political subdivisions and Colleges and Universities of the State through the State Use Program.
3. Maintain the necessary records and data on the Contract Provider to enable Utah Works to allocate work equitably.
4. Assist in providing training programs to enable the Contract Provider to better provide said services and products.
5. Represent Contract Provider to improve the Utah State Use Law.

Inspection of Work:

Contract Provider grants to Utah Works the right to inspect work for quality and maintenance of professional standards. Failure to maintain adequate professional standards as determined by Utah Works, Inc., the Board for the Purchasing from People with Disabilities, and/or the Utah Director of Purchasing, may result in immediate termination of this agreement. Contract Provider will provide necessary professional equipment and supplies for all contract work. Utah Works will provide Contract Provider with a breakdown of cost for each contract. The breakdown will include the recommended funding to maintain proper supplies and equipment. Failure to provide proper equipment raw materials and supplies may result in corrective action.

Audits:

All state use contracts are subject to audit and the Contract Provider may be responsible for reimbursement for unperformed labor, non-procured material and/or equipment, or any other deviations from the contract.

If, upon review of all fiscal documents and records pertaining to a State Use contract it is determined that there is a material difference between the services contracted and actual services provided and/or expenditures, Utah Works will request the Contract Provider to submit and immediately implement a plan of correction within a 15 day time period. In the event that the State Agency customer does not accept the proposed corrective action, the Board for Purchase from People with Disabilities will establish corrective actions in conjunction with Utah Works. Such actions may include (but are not limited to):

- 1) Reassignment of the contract to another qualified CRP; or

- 2) Termination of the specific contract or purchase order. The Contract Provider will also be liable for any shortage. A Contract Provider may appeal any contract termination to the Board for the Purchasing from People with Disabilities (Board.)

Grievance Procedures:

Contract Provider is to maintain a log of complaints formal or informal filed by the State personnel for any work performed under the auspices of the State Use program. A copy of the most recent month’s log may be required with monthly Utah Works payment. Reports of Contract Provider complaints or grievances shall also be directed to Utah Works. If necessary, grievance will be resolved by following the process established by the Board.

The Contract Provider has the right to file a grievance with the Board. The Board reserves the right to utilize the grievance procedure outlined in Utah Purchasing code.

The Board reserves the right to revoke the right of any Contract Provider to participate in the State Use Program, if at any time the Board determines the Contract Provider does not comply with either this agreement or any requirements of the program.

Modifications of Contract

All contracts and/or purchase orders are written as an expression of the parties’ final expression of intent. No modifications of any contract and purchase order shall be binding unless agreed to by all parties.

Termination of Contract

Either party of this Agreement may terminate this Agreement by written notice to the other party, when notice is either delivered personally or is sent by certified or registered mail and states a termination date no earlier than midnight of the 30th day following the day on which the notice is personally delivered or deposited in the United States mail.

Execution of this agreement below binds both parties to the terms and conditions contained herein and forthcoming State Use Purchase Orders.

Executive Director

Executive Director

CRP
Date: _____

Utah Works
Date: _____

Chair

Date

D. REVIEW PROCESS

Purpose

(Utah Works), as the approved Central Non-profit Agency (CNA), is required by Utah Code 63-56-425 to oversee CRPs to ensure compliance with contract performance and quality standards. The following documents must be available for review to verify the requirements for participation in the State Use Program have been met:

1. Proof of requisite not-for-profit corporate status
2. Verification that 75% of the direct labor participants had a documented severe disability
3. Documentation of Community Rehabilitation Program or USOR approval for provision of Supported Employment Services
4. Compliance with OSHA and other applicable health and safety laws

There are also certain requirements contained within Utah Works/CRP Agreement as approved and endorsed by the Board which will be reviewed by the CNA; Therefore, Utah Works has established a procedure to review each Community Rehabilitation Program (CRP) for the required documentation.

The process of reviewing each CRP that is qualified to participate in the State Use Program (SUP) will be conducted in three separate procedures. The first part, to be performed on an annual basis, will consist of the **Annual Document Desk Review**, which updates information submitted to the Board. The second part will be a **Field Review** (on-site visit,) and will consist of a review of the information retained by the CRP on their premises. The third part will be a review of **State Use Program Quarterly Reports** upon submission each quarter by CRPs to the CNA.

All information reviewed is based upon the requirements contained within ~~Rule~~ Utah Code 63-56-425 and the Agreement between Utah Works and policies and procedures as approved by the Board and monitored by the CNA.

It is not the intent of these reviews to be punitive in nature. Rather, the purpose of this program is to assist CRPs in meeting the intent of the law that governs this special program. The staff performing the reviews will provide technical assistance to the CRP, without providing directives to the management of the CRP, other than to point out items of concern regarding the requirements of participating in the SUP.

Annual Document Desk Review

Focus

Each participating CRP is asked to submit appropriate qualified participant application documents, update the information annually and/or indicate that changes have not been made.

CNA staff on an annual basis will review this information for completeness. To view the required information, see the **ANNUAL DESK DOCUMENT REVIEW** form at the end of this section.

Review Results

Utah Works reviewers will submit review results to the Utah Works executive director. He/She will communicate the review results to the CPR executive director within 10 working days of the completed review. The qualified CRP participant will have 20 working days to respond to Utah Works executive director with a Plan of Correction for any review recommendation(s). The results of this review will be shared with the Board.

Field Review of CRP**Focus**

The focus of the Field Review program revolves around testing documentation provided by each organization, which Utah Works ultimately relies on in order to maintain and support key elements of the State Use Program. This documentation includes:

- State Use Program Quarterly Report - this report documents employment of people with disabilities in terms of hours and wages, as well as the 75/25 rule.
- Cost Analysis - this substantiates pricing of the product or service. It is important that the contracted price reflects current costs.
- Statement of Work - this denotes the actual work (step by step process) to be performed. It is similarly important that “value added” labor actually performed is consistent with the approved application.
- Ongoing Placement Program - this describes preadmission competitive employment evaluation to determine each person’s job readiness, annual competitive employment review, periodic notes showing progress toward job readiness, and efforts to ongoing liaisons with community services for the purposes of placement into competitive.
- Safety Program – this includes documentation of safety meetings, MSDS availability, pertinent training and correspondence from OSHA
- Continuous Quality Improvement Program - this substantiates how the organization plans to attain its quality vision, core processes, and current level of performance.
- Insurance coverage - this substantiates the producing CRP maintains required insurance coverage: Worker’s Compensation, employer liability, commercial general liability, and automobile liability.

On a cycle that is not less than once every three years, provided a Plan of Correction is not in affect, each producing CRP will be visited by UTAH WORKS staff and asked to validate the following information.

1. Present information to show they have an on-going placement program, which includes at a minimum, a pre-admission evaluation and an annual review to determine each worker’s capability for normal competitive employment. The CRP must also show how they maintain a liaison with appropriate community services for the placement of their workers with disabilities.

2. Show how their records of direct labor hours and wages are collected and then reported resulting in the ratio as shown on the State Use Program Quarterly Reports.
3. Show how workers are paid at wages used in establishing the reasonably competitive price
4. Show how they comply with the applicable occupational health and safety standards prescribed by the US and Utah Department of Labor.
5. Show how a file is maintained on each worker with a disability, which at a minimum includes a preadmission competitive employment evaluation to determine each person's job readiness, annual competitive employment review, periodic notes showing process toward job readiness, and efforts to ongoing liaisons with community services for the purpose of placement into competitive. This file will also include documentation of disability, and periodic notes related to that individual's progress towards competitive employment.

Review Results

The UTAH WORKS reviewers will submit review results to the UTAH WORKS executive director within 5 working days of the completed review. The UTAH WORKS executive director will communicate the review results to the CRP executive director within 10 working days of the completed review. The qualified CRP participant will have 20 working days to respond to the UTAH WORKS executive director with a Plan of Correction for review and recommendation(s). The results of this review will be shared with the Board.

Review Compliance Options

Failure to appropriately and willfully comply with reviewer recommendations may result in CRP sanctions, at the discretion of the Board and the UTAH WORKS executive director, in a progressive series of steps, such as:

- Not be eligible to be assigned additional new contracts
- Reassignment of contracts to other qualified participant(s) that are in good standing

Quarterly Ratio Review

Focus

Qualified CRPs must maintain an average of 75% of the direct labor performed by individuals with disabilities on the sum of all state use contracts. This will be measured by the total of direct labor hours on all state use contracts.

The UTAH WORKS staff will collect and maintain information from qualified participants via the State Use Program Quarterly Report and reports to the Board one each participant’s level of utilization of persons with disabilities regarding the 75% ratio.

Refer to Section F for guidance in completing the State Use Program Quarterly Report.

Review Results

The UTAH WORKS reviewers will submit review results to the UTAH WORKS executive director within 5 working days of the completed review. The UTAH WORKS executive director will communicate the review results to the CRP executive director within 10 working days of the completed review. The qualified CRP participant will have 20 working days to respond to the UTAH WORKS executive director with a Plan of Correction for any review recommendation(s.) The results of this review will be shared with the Board.

Review Compliance Options

Failure to appropriately and willfully comply with reviewer recommendations may result in CRP sanctions, at the discretion of the Board and the UTAH WORKS executive director, in a progressive series of steps, such as:

- Not be eligible to be assigned additional new contracts
- Reassignment of contracts to other qualified participant(s) that are in good standing

Grievance Initiated Based on Results from Reviews

Grievances based on disagreements of the CRP over the results of Utah Works review results will utilize the following process:

Step	Time Frame	Form	Respondent	Time Frame
1	Within 10 working days of receipt	Written	Utah Works Executive Director provides written decision	Within 10 working days of receipt
2	Within 10 working days of receipt	Written	Chair, Utah Works Committee, provides written decision	Within 10 working days of receipt
3	Within 10 working days of receipt	Written	Chair, Board for Purchase from People with Disabilities provides written decision	Within 30 working days of receipt

**UTAH WORKS/CRP COMPLIANCE REVIEW
ANNUAL DESK DOCUMENT REVIEW**

DATE OF REVIEW _____

CRP NAME: _____

REVIEWER NAME (Print) _____

REVIEWER SIGNATURE _____

REVIEWER NAME (Print) _____

REVIEWER SIGNATURE _____

Item	Yes	No	Rev. Date	Reference
1. Approved by USOR to provide Supported Employment Service.				
• Letter signed by the DHS Director approving the CRP as an Acknowledge Vendor of DHS				
2. Copy of documentation establishing CRP as a Nonprofit Agency under Section 501 (c) 3 of the Internal Revenue Service				
• Must include correct corporate name, date, and signature of IRS official				
3. Copy of the Articles of Incorporation				
• On a Secretary of State certificate showing correct corporate name; any "dba" used by the CRP; and all documents showing				
4. Copy of the By-Laws of the Corporation				
• Document dated and signed by an officer of the Corporation				
5. If commensurate wages are paid, copy of the current US Department of Labor Certificate authorizing wage payments pursuant to 29 U.S.C. § 214 Should the CRP not pay commensurate wages, there should be a document stating that commensurate wages are not paid by the CRP				
• Copy of the certificate as issued by the Department of Labor OR				
• Letter signed by the chief executive officer stating the CRP does not pay commensurate wages and therefore does not hold a certificate authorizing special wages				
6. A list of current Officers of the Corporation, their names, position beginning and ending dates of office, address, and phone number				
7. Certificate verifying current insurance coverage as described in the most Utah Works/CRP Agreement				
Letter or certificate from the Utah Secretary of State's office showing that the qualified CRP is registered and in good standing as a charitable organization				
8. Properly executed, current Utah Works/CRP Agreement				
9. The organization submits an Annual Conformance to Quality Report (ACQR) to Utah Works each year ¹				

Utah Use Program

¹ See attached sample conformance report

**Plan of Correction Response to
Recommendations of the Central Nonprofit State Use Program
Community Rehabilitation Program Field Review**

Community Rehabilitation Program Assigned Number:

Review date:

Date of last review:

Reviewer name (printed):

Reviewer signature:

Reviewer name (printed):

Reviewer signature:

RECOMMENDATIONS OF THE REVIEWERS:

Recommendation	Target Completion Date
1.	
2.	
3.	
4.	
5.	
6.	

As the Community Rehabilitation Program (CRP) Executive Director, my signature below represents acceptance of the Recommendations and Target Completion Dates and shall serve as our CRP Plan of Correction.

CRP Executive Director Signature _____

Date _____

6. Wage and Hour Review

Utah State Use Program Community Rehabilitation Program Field Review

Community Rehabilitation Program assigned Number:

Review date:

Date of last review

Reviewer name (printed)

Reviewer signature

Reviewer name (printed)

Reviewer signature

Number of workers with disabilities as reported on the most recent State Use Quarterly report.

Number of new workers with disabilities hired during the last quarter as shown on the most recent State Use Quarterly Report

File review for medical documentation, evaluation, periodic notes, wage data and the I-9 form

Employee Number	Disability Documentation	Periodic Notes	Contract	Job Title	Contract Wage	Actual Wage	Pre-admin. Eval.	Annual Eval.	I-9	Payroll Check
1										
2										
3										
4										
5										

FINDINGS

1.

SUGGESTIONS/RECOMMENDATIONS

1.

7. Department of Labor FLSA Section 14(c)

Does the CRP utilize Special Minimum Wages per the Fair Labor Standards Act Section 14(c)?

_____ Yes _____ No (If no, skip to next section)

Is there a current copy of the DOL certificate allowing payment of Special Minimum Wages?

_____ Yes _____ No

Is there current written evidence of the annual prevailing wage survey?

_____ Yes _____ No

Is there current written documentation of individual worker productivity ratings utilized to establish commensurate wages?

_____ Yes _____ No

FINDINGS

1.

SUGGESTONS/RECOMMENDATIONS

1.

8. Quarterly Report Review

Does the CRP demonstrate documentation to accurately report the ratio of persons with disabilities providing Direct Labor on its State Use Contracts?

_____ Yes _____ No

Is the CRP able to accurately show and demonstrate documentation and procedure indicating how the number of Direct Labor hours worked were separated by classification, and reported on the Quarterly Report?

_____ Yes _____ No

FINDINGS

1.

SUGGESTIONS/RECOMMENDATION

1.

10. Ongoing Placement Program Review

Does the CRP have a written procedure, which described how the CRP maintains a liaison with appropriate community services for the placement of any of its workers qualifying for placement?

_____ Yes _____ No

Number of workers with disabilities placed into competitive placement from State Use projects as reported on the most recent State Use Quarterly report.

Number of workers with disabilities placed into competitive placement from State Use projects as reported on the State Use Quarterly report during the previous fiscal year.

FINDING

1.

SUGGESTIONS/RECOMMENDATIONS

1.

11. Safety/OSHA Review.

Has the CRP had an Occupational Health and Safety (OSHA) review in the past two years?

_____ Yes _____ No

Does the CRP have a Safety Board or Committee?

_____ Yes _____ No

Hazard Communication Plan?

_____ Yes _____ No

Blood borne pathogens program?

_____ Yes _____ No

Fire Inspection?

_____ Yes _____ No

Documentation of Worker Training

_____ Yes _____ No

FINDINGS

1.

SUGGESTIONS/RECOMMENDATIONS

1.

12. Quality Assurance Program Review

Does the CRP have a written Quality Assurance Program, which is applicable to its assigned State Use Projects?

FINDINGS

1.

SUGGESTIONS/RECOMMENDATIONS

1.

13. Insurance Coverage Review

Does the CRP have adequate insurance coverage to protect it and Utah Works in their performance of State Use products and services?

_____ Yes

_____ No

FINDINGS

1.

SUGGESTIONS/RECOMMENDATIONS

1.

14. Additional comments resulting form the review process.

E. WORKER FILE DOCUMENTATION ON DISABILITY

One of the most critical aspects of participation in Utah State Use Program is to maintain accurate records on the workforce of people with disabilities who perform direct labor tasks. The SUP regulations require that each individual counted toward the disabled direct labor ratio have a file clearly stating that the individual meets the SUP definition of “disabled.”

There are three “tests” each file must pass upon review by UTAH WORKS staff during regulatory site visits. File requirements are for disabled direct labor workers who work on a State Use program contract include:

- Disability documentation
- Periodic notes charting individual worker progress
- An initial Competitive Employment Statement and an Annual Competitive Employment Statement

OR

- The last two Annual Competitive Employment Statements

Best practice advice based upon rules and regulations from the American with Disabilities Act (ADA) and the US Department of Labor, strongly suggest that CRPs have two sets of files. The first set would include general information; such as: an application, initial hire letter, payroll information, leave information, etc. The second file set should contain all references to an individual’s disability, and is often referred to as the “medical file.”

The purpose of having two files is to eliminate any information that could be perceived to negatively influence management’s decision regarding the individual’s employment status.

A. Definition of Disability

Definition of “Disability” is a physical or mental impairment, which so limits the person’s functional capabilities that the individual is unable to engage in normal competitive employment.

- Physical or mental impairment, a residual, limiting condition from an injury, disease or congenital defect.
- Functional capabilities such as mobility, communication, self-care, self-direction, work tolerance, or work skills.
- Normal competitive employment means non-state use employment through employers other than CRPs, with the worker having obtained and held that job independent of any support for an extended period.

B. Disability Documentation

1. There must be signed and dated documentation of an individual’s disability.
2. The report must be signed by someone recognized by the state as capable of diagnosing the specific disability (see examples.)
- 3.

DIAGNOSIS	LICENSED PROFESSIONAL	REPORT REQUIRED IN FILE
Mental Retardation	Psychologist Voc. Rehab. Counselor	Psychological Evaluation
Mental Illness	Psychiatrist	Psychiatric Evaluation
Cerebral Palsy	Medical Physician*	Medical Report

*See sample letter

4. Documentation may also consist of a certification of the disability or disability by a State or local governmental entity.

Sample Letter

Bone and Joint Clinic
Garden City, Mississippi

March 1, 1999

TO: Abilities, Inc.

Dear Sir/Madame:

This letter is to inform you that Ed McHale is a 48-year-old male who has experienced bi-lateral amputations. This patient has been disabled since the initial amputation was performed on June 1, 1978 and has been under my continuous care that date. Due to complications with his condition, several additional amputations have become necessary, the last of which was performed on September 6, 1989.

Mr. McHale is a determined individual and is an excellent candidate for your vocational rehabilitation program though it is doubtful that he will ever be able to be competitively employed full-time. You should note that his medical condition is extremely dependent upon his medication and his diet.

Please contact me if your agency needs any additional information for acceptance of Mr. McHale into your program.

Sincerely,

John K. Smith, M.D.

Sample

COMPETATIVE EMPLOYMENT STATEMENT

COMPETATIVE EMPLOYMENT STATEMENT

Type of Review: _____ Initial X Annual

Based upon my professional review, my experience in supervising this individual, and my understanding of “normal competitive employment” I believe that Leroy Leftwich (is/is not) capable of independently obtained and maintaining a job in a competitive work environment at this time.*

John Baldwin
(Signature)
January 13, 2005
(Date)

CRP Supervisor
(Title)

*As required by SUP Regulations

REMINDER

- You must circle “is” or “is not”
- “Is not” must be circled to count the individual as part of the disabled direct labor ratio.

VOLUNTRY IDENTIFICATION OF DISABILITY STATUS

In order to encourage companies to hire individuals with disabilities, the state and federal governments offer employers special opportunities to work under certain contracts if at least 75% of the employees working under those contracts are individuals with disabilities. [EMPLOYER] participates in these government programs, and the job you seek or currently have is a job working under one of those contracts.

So that [EMPLOYER] can identify individuals with disabilities and keep the necessary documentation about the make up of the workforce, [EMPLOYER] requests that you voluntarily answer the questions below.

The information requested will be used only in connection with [EMPLOYER'S] voluntary affirmative efforts to encourage employment of individuals with disabilities. You are not required to complete this form to be considered for employment or to continue in your job. Your participation is voluntary.

Any information you provide on this form will be kept confidential and used only in accordance with the American with Disabilities Act and the Utah Human Rights Act.

Please circle or mark the appropriate answer:

1. Do you have a disability?

YES _____ No _____

2. If you have a disability, are you willing to voluntarily provide [EMPLOYER] with documentation about your disability if asked?

YES _____ NO _____

Print name: _____

Sign name: _____

Date: _____

F. QUARTELY REPORTS

State Use Program Quarterly Report

Data Collection

Record keeping systems play a vital role in a CRPs capacity to account for direct labor hours and wages. Computations by supervisors, conversions by the payroll staff and accountability for reporting information when tracking direct labor must provide a clear and auditable trail. In order to make judicious use of financial information, a CRP must create a workable financial information generating process to allow good decisions to be made by all CRP personnel. This effort requires rehabilitation, production, payroll and executive staff to frequently work close together.

Definitions

For the purpose of reporting direct labor on the State Use Quarterly Report,

Direct Labor

All work required for the preparation, processing and packaging of a commodity or work directly related to the performance of a service. It is not supervision, administration, inspection, and material handling or shipping. All workers are included in this definition, whether full-time or part-time, disabled or not-disabled, and regardless of whether they are paid on an hourly or piece rate basis.

Commodities

- Preparation: tasks involve in reforming raw materials into components of the products itself, including operation of machinery, which performs these activities.
- Processing: tasks involved in finishing formed components or in assembling components into products.
- Packaging: tasks in preparing the finished product for shipment by placing it in one or more containers or wrapping to make it suitable for shipment.

Services

Service direct labor is the performance of those tasks directly required (or specified) in the contract statement of work (SOW) such as janitors and groundskeepers. Work necessary to maintain equipment, even if covered in the contract, is indirect labor.

Reporting Requirements

Each quarter, participating CRPs are required to submit to Utah Works, on behalf of the Board, a State Use Quarterly Report. This is due by the end of the month following the end of the quarter being reported. For example, the report for the quarter ending on

September 30 is due in the Utah Works office by October 31. The following information is required reporting data.

Direct Labor Information

Each CRP must maintain a record of the following for State Use Contracts:

- ❑ Total number of Direct Labor workers
- ❑ Total number of Direct Labor workers with documented employment disabilities
- ❑ Total number of Direct Labor workers who do not have disabilities

In addition to the ratio of the number of Direct Labor workers who have disabilities, Utah Works requires that CRPs maintain records of direct labor hours and wages performed by each worker. The purpose of this additional data is to strongly encourage State Use standards that will be consistent with both the Federal Ability One (Javits Wagner O'Day Law) and other successful state use programs. This additional data will ensure that the Utah State Use program remains above reproach and will position the program to grow beyond its current dollar volume cap in the future.

The following direct labor data is based on the total hours paid to people with disabilities on the State Use contracts;

1. Hours paid to workers with disabilities;
2. Hours paid to workers without disabilities;
3. Wages paid to workers with disabilities; and
4. Wages paid to workers without disabilities.

Sales Information

All sales data is recorded and is separated by sales generated from commodities and services.

Job Placement

Utah Works strongly encourages participating CRPs to maintain an ongoing placement program, which includes at least pre-admission evaluation and an annual review to determine each worker's capacity for normal competitive employment and maintain a liaison with appropriate community services for the placement in such employment of any of its workers qualifying for placement. For the good of the State Use Program, Utah Works requires CRPs to report on their ongoing placement efforts.

The placement rate of individuals with disabilities is collected based on placement of individuals with disabilities into competitive employment. For the purposes of reporting on the State Use Quarterly Report, the following definition will apply:

Normal competitive employment means non-state use employment through employers other than CRPs, with the workers having obtained and held that job independent of any support for an extended period.

Ratio Requirements

CRPs must maintain an average of 75% of the direct labor performed by individuals with disabilities on the sum of all state use contacts. This will be measured by both the total of direct labor hours and the number of Direct Labor workers who have documented disabilities on all state use contracts. Failure to meet the ratio of Direct Labor workers required by Utah Code 63-56-425 will require submission of a corrective plan of action to Utah Works, who will forward the plan to the Board for approval. Failure to meet the Direct Labor Hour ratio may impact a CRPs eligibility to obtain future State Use Contracts.

Utah State Use Quarterly Report – FY 2006
July 1, 2006 – June 30, 2006

Send to: Utah Works
3495 South West Temple
Salt Lake City, UT 84115

Report for Quarter ending:
Sep 30 ___ Dec 31 ___
Mar 31 ___ June 30 ___

	Quarter total	Cumulative FY Total
1. Total number of Direct Labor workers	_____ =a	_____ =b
Number of Direct Labor workers with disabilities	_____ =c	_____ =d
Divide number of DL workers with disabilities by Total number of DL workers	_____	_____ DL Worker Ratio
	c/a	b/a
2. Direct labor hours worked by workers WITH disabilities (include vacation, holidays and sick.)	_____ =a	_____ =b
3. Direct labor hours worked by workers WITHOUT disabilities (include vacations, holidays and sick.)	_____ =c	_____ =d
4. Direct labor wages paid to workers WITH disabilities (gross wages include vacation, holiday and sick.)	_____	_____
5. Direct labor wages paid to workers WITHOUT disabilities (gross wages include vacation, holiday and sick.)	_____	_____
6. Direct labor ratio	_____	_____
	$((a/(a+c)) \times 100)$	$((b/(b+d)) \times 100)$

Workforce of persons with disabilities

State Use Projects

	<u>Total</u>
<u>Agency</u> <u>No. of Workers</u>	Ment. Drug Phys Other
	Disabled Non/Dis. MR/DD Health Alco Dis.

Workforce on July _____

New workers 7/1 – 9/30 _____

New workers 10/1 – 12/31 _____

New workers 1/1/ 3/31 _____

New workers 4/1- 6/30 _____

Totals on FY _____

7. Quarterly State Use Sales:Service Sales_____ Commodity Sales_____

8. Number of workers placed into compertitive employment from State Use_____

 Name/Title of person completing report Date Phone Number

Agency Name

Instructions for the Utah State Use Quarterly Report

Direct Labor Hours

This includes all state use contracts. Direct labor is defined as all work directly related to the performance of a service, or required for the preparation, processing and packaging of a product. It does not include supervision, administration, material handling, shipping or quality control.

1. Report all direct labor hours worked during the quarter by individuals with disabilities on State Use Projects. Reporting includes; vacation pay, holiday pay and sick pay. Report hours paid for the current quarter only. This should be entered next to the “a.”

Report direct labor hours worked during the quarter by individuals WITHOUT disabilities on State Use Projects. Reporting includes; vacation pay, holiday pay and sick pay. Report hours paid for the current quarter only. This should be entered next to the “c.”

Totals

1. Quarter totals include all the data for the quarter ending as noted in the upper right corner of this report.
2. Cumulative totals for the period of July 1 to September 30 will be the same as the quarter total. If completing the second, third or forth quarter report, this column will be the cumulative total form all previous quarters and the current quarter. This number should be entered next to the “d” for direct labor hours worked by people without disabilities.

Wages

1. This line should be the direct labor gross wages paid to individuals with disabilities. Include vacation, holiday and sick pay.
2. This line should be the direct labor gross wages paid to individuals without disabilities. Include vacation, holiday and sick pay.

Direct Labor Ratio

For the quarter total divide the direct labor hours paid to workers with disabilities by the number of hours worked by all workers. $((a/(a+c)) \times 100)$. For cumulative totals; $((b/(b+d)) \times 100)$

Workforce of Persons with Disabilities

Under TOTAL AGENCY, report the number of all workers with disabilities employed by your agency on July 1, 200X. For all other columns, list the number of workers with disabilities on State Use contracts only. For each of the periods listed, enter the number of new workers with disabilities employed on State Use contracts, since the beginning of that quarter. Do not subtract any individuals who have left your agency during fiscal year.

Sales

For each quarter, list separately all sales for services and commodities sold to state agencies under the state use program.

Competitive Placement

List the number of workers who have moved from state use programs into a competitive placement. For the purpose of this report, state use projects are not to be considered competitive placement.

G. STATEMENT OF WORK AND COSTING

There are two methods used by the Board to determine the Reasonably Competitive Price (RCP). The first is the current price or the bidding process while the other is based on what it costs the CRP to produce the product. Additionally, there are two types of services in the SUP: services that are regular and routine such as janitorial; and services priced as a commodity, such as data entry or microfilm. The latter types are typically statewide contracts, as are most commodities.

There are three components in determining the final sale price to the state agency; the RCP as determined by the Board; the acceptance of that price by the state agency; and the decision by the CRP to produce the product for the price. In this section, we will discuss the process of using CRP costs to determine the RCP.

Pricing for regular and routine services is for a stated period, such as a year. When the State purchases a service such as janitorial, the time required to clean and other related costs of the service are unimportant to the State. What they are purchasing is a clean building. This is an important concept to the basic nature of services, and is a basic concept in determining the cost of providing a service to the state.

The Statement of Work

The first element of determining a price is to come to an understanding of the work the customer desires. This is typically communicated through the Statement of Work (SOW). For Janitorial Services note the *Cleaning Schedule of State Use Contracts* at the end of this section. It is critical for a CRP to fully comprehend not only the written document, but also the customer's interpretation of this document.

Upon receipt of the SOW, the CRP and the CNA must determine how many hours per day and how many days per week, it will take to complete the SOW to the customer's expectation. If the resultant price is unacceptable to the customer, the place to negotiate a lower price is with the SOW.

It is incumbent upon the CRP to bring to bear techniques, equipment and supplies that are reflective of those in common usage in competitive industry. The type of equipment and supplies can have a dramatic impact upon the numbers of hours it takes to complete the SOW.

Determining the number of hours required to complete the SOW, is perhaps the most important cost factor the CRP can determine. With start-up projects sound educated projections based on experience, and in conjunction with resources such as the standards developed by industry associations, such as International Sanitary Supply Association.

After a project begins, and periodically thereafter, the CRP should conduct time studies to determine the actual time required to complete the SOW. These time studies should be based upon the experienced, non-disabled for the job, 100 % productive worker.

A SOW also determines the cost components for a service priced as a commodity and for commodities. Statewide contracts are somewhat different in that the CRP can have a larger impact on the products offered and in the details of providing the service or commodity in the published SOW.

Similarly, the CRP needs to share all components of its associated costs with delivering the product to the state with Utah Works and the Board. The Board at their own discretion may require an initial break down of these costs and annually when contracts are renewed.

Wages

After determining the number of hours required to complete the SOW, the CRP must determine the wages to be paid and the level of statutory taxes that must be paid as an employer. The prevailing wage determination utilized to determine CRP costs is to be prepared by the CRP in accordance with the requirements of applicable US Department of Labor regulations. This survey should result in the prevailing wage paid to experienced (non-entry level) non-disabled workers in competitive industry in the vicinity for essentially the same type, quality and quantity of work.

The total cost for labor is determined by multiplying the number of hours worked per week times 52 weeks per year. This will cover the costs associated with providing the service and with paying workers for the number of holidays the CRP offers as paid days off.

The line item for vacations and sick leave provides resources for substitutes to fill in on those days when the regular worker is taking paid leave. The difference is that holidays do not require a substitute; absences due to vacation and sick leave do require a substitute worker to fulfill the obligations on the SOW.

Supplies and Equipment

The supplies and equipment for janitorial services are based upon a set percentage of the total labor costs. As mentioned above, supplies are expected to be reflective of those used by competitive industry. If the CRP determines these figures do not adequately fund the equipment needed to complete the SOW, then the CRP should submit a recommendation accompanied with actual costs required to complete the SOW. Utah Works will review and present to the Board for consideration. The Board may ask to see paid invoices or properly documented quotations for proposed equipment or supplies.

Overhead and Profit

The overhead and profit line items are set by a percentage of the total of the labor, supplies and equipment costs. The CRP can make an alternative recommendation but should be prepared to justify any additional requests. UTAH WORKS will review and present to the Board as appropriate.

Program Fee

The program fee is paid on all work performed under the auspices of the SUP. Any request for an exception to this must be presented in writing to the Board.

The Board establishes the allowed program fee, which is used to support the work performed by UTAH WORKS.

COSTING SHEET – Janitorial Estimate

The following represents costing sheet guidance for completing the Costing Sheet Estimate for janitorial contracts:

Building Description

1. For new buildings, information is gathered from the Leasing Administrator's Office.
2. Number of days for service is determined by the Agency.

Wage Data

1. Supervisor wage is based upon either history, fitting into the agency's budget or the Utah labor statistics.
2. Direct Labor is based upon either history, fitting into the agency's budget or the Utah labor statistics.
3. Statutory Taxes are based on actual figures furnished by the CRP, or if this is not available 13%.

Staffing Plan

1. The number of staff hours was originally split 50/50 with direct labor hours, except for specific contracts.
2. Currently, unless the Statement of Work dictates otherwise, supervision is set at 8% of direct labor.
3. Vacation-Sick-Holidays are typically at either 16 or 18 days per year. This allows adequate resources for the CRP to replace workers receiving paid time off.

Monthly Direct Costs

1. Wages are based upon 5 days per week, 52 weeks per year.
2. Statutory taxes are included.

Supplies and Equipment

1. Supplies are sometimes referred to as chemicals, and should include not only cleaning chemicals, but also all supplies.
2. Supplies are typically based upon 12% of the total Monthly Direct Costs.
3. Equipment is typically based upon 7% of the total Monthly Direct Costs.
4. If the above numbers are very small, then a "minimum" amount is shown.

Overhead and Burden

1. Typically, these are set at 20% of the Monthly Direct Costs.
2. Some contracts include supplies and equipment in the 15% calculation.

Profit and Fees

1. Typically, these are set at 10% of the Monthly Direct Costs.
2. Some contracts include supplies and equipment in the 15% calculation.

3. The program fee is based upon either the gross annual amount of the contract (divided by 12; paid monthly).

Note the pages at the end of this section, which represent a costing sample for a completed Janitorial Price Estimate.

Product/Service Contract Costing Worksheet

Name of Commodity/Service: _____

Date: _____

Describe the Commodity/Service in Detail: _____

1.MATERIAL/SUPPLIES	QTY	UNIT	COST	TOTAL
a.				\$0.00
b.				\$0.00
c.				\$0.00
d.				\$0.00
e.				\$0.00
f.				\$0.00
g.				\$0.00
				\$0.00
			Sub Total	\$0.00
2.Labor				
Indirect Labor				
a. Supervisor Wage				\$0.00
b. Supervisor taxes & Benefits				\$0.00
Total Indirect Labor				\$0.00
Direct Labor				
a. Direct Labor -				\$0.00
b. Direct Labor Taxes & benefits				\$0.00
Total Direct Labor				\$0.00
			SubTotal	\$0.00
3 OVERHEAD & ADMINISTRATION				
a.				\$0.00
b.				\$0.00
c.				\$0.00
			SubTotal	\$0.00
5 SHIPPING				
			SubTotal	\$0.00
		0	SubTotal	\$0.00
6		TOTAL		\$0.00

UTAH WORKS CLEANING SCHEDULE OF STATE USE CONTRACTS

Location:

Work Center:

Column Codes:

D=DAILY

M=MONTHL

A=AS NEEDED

W=WEEKLY

6=EVERY 6 MNTHS.

Tile Floors:

- a. Sweep and/or dust mop
- b. Damp mop entrance
- c. Spray buff
- d. Restore finish
- e. Strip old finish; apply five coats of floor finish
- f. Damp mop work room floor

D W M 6 A

D W M 6 A

- 2. Carpeted floors:
 - a. Spot vacuum
 - b. Thorough vacuum
 - c. Spot Clean (track in or spillage)
 - d. Shampoo

D W M 6 A

- 3. Waste Baskets:
 - a. Empty
 - b. Thorough vacuum
 - c. Spot Clean (track or spillage)
 - d. Shampoo

D W M 6 A

- 4. Furniture, Cabinets, and Countertops:
 - a. Spot dust horizontal and vertical surfaces
 - b. Thorough dust horizontal and vertical surfaces
 - c. Clean (Cleared) desk tops
 - d. Vacuum upholstered furniture

- 5. Heating & AC registers, ledges,
bookshelves, & hard to reach
 - a. Dust
 - b. Wash registers

D W M 6 A

6. Toilet Rooms – same as other areas PLUS:

- a. Clean & disinfect commodes and urinals
- b. Clean and disinfect sinks
- c. Clean mirrors
- d. Sweep floors
- e. Mop floors with disinfectant
- f. Clean walls adjacent to fixtures
- g. Clean toilet room walls
- h. Stock disposals

D	W	M	6	A

7. Walls and Woodworks:

- a. Damp wipe doors, frames, switch plates
- b. Clean Baseboards

D	M	W	6	A

8. Drinking Fountains:

- a. Clean and disinfect all surfaces
- D M W 6 A

D	M	W	6	A

9. Employee Room – same as other PLUS:

- a. Clean outside of refrigerator, stove, and sink
- b. Wash table tops
- c. Spot clean spillage

Note: Does not include cleaning dishes, inside of refrigerators, or defrosting.

D	M	W	6	A

10. Window Washing

- a. Clean exterior glass doors & side panels
- b. Clean interior glass doors & side panels
- c. Wash interior glass windows
- d. Wash exterior glass, 1st floor only

D	M	W	6	A

11. Lawn Maintenance

- a. Mow grass
- b. Trim around edges
- c. Rake and remove leaves and lawn debris

D	M	W	6	A

12. Other Operations

- a. Replace light tubes & wash light fixtures
- b. Sweep entrance and sidewalk
- c. Wash entrance and sidewalk
- d. Police sidewalk & parking lot around bldg.
- e. Carry trash to pick up point, turn off Lights, set thermostats and secure and lock the building

D	M	W	6	A

13. Other Operations Not Listed

D	M	W	6	A

NOTES:

- A. State of Utah will furnish all disposables
- B. Vendor will furnish all cleaning supplies
- C. Vendor will furnish all equipment

**UTAH WORKS JANITORIAL PRICE ESTIMATE
EXAMPLE WORKSHEET**

DATE: January 11, 2006

CRP: Acme Ventures, Inc.

CUSTOMER: STATE Agency

LOCATION: Salt Lake City, UT

A. BUILDING DESCRIPTION

Total Square Feet	10,000
Carpeted Sq. Ft.	
Hard Floor Sq. Ft.	
Number of days per week cleaned	5

B. WAGE DATA

Supervisor Wage	\$12.00
Supervisor Taxes	13.00%
Direct Labor Wages	\$8.50
Direct Labor Taxes	13.00%

1.13

1.13

C. Staffing Plan

Time Allocation- Supervision	0.40
Time Allocation-Direct Labor	2.75
Periodic cleaning (pro-rated/day)	0.00
Total Time per day	3.08
Vacation-sick Supervisors (days)	16
Vacation-sick Direct Labor (days)	16

D. Monthly Direct Costs

Supervision Wage + Tax	\$93.23
Supervision Vacation + Sick	\$5.97
Direct Labor Wage + Tax	\$486.98
Direct Labor Vacation + Sick	\$31.17
Periodic Cleaning Wage + Tax	\$ -
Total Wage, benefits, taxes	\$617.34

E. Supplies and Equipment

Supplies	\$150.99
Equipment	\$133.99

F. Overhead and Burden

15%	\$198.51
-----	----------

H. Floor Care Costs. Only if not included in the DL hours above

Carpeted Cleaning	
Annual Hard Fir Care/mth	\$166.67

I. Price to Customer	\$1,100.83
J. Annual Price to Customer	\$13,209.92
 K. Price per square foot	 \$1.32

L. Contract Period January 1, 2003 – December 31, 2006

M. Notes

- A. Disposables Supplied by the State 5 sick days and 6 Holidays.
- B. Use of mobile crews authorized. week of 40 hours.
- C. Relief based on 5 vacation days,
- D. Price based upon standard work

The compensation rates for workers and supervisors, including wages and benefits will be paid at the rates established within this costing document.

Utah Works agrees to provide the above service for the amount indicated pending final approval by the Committee for the Purchase of Commodities and Services from the Handicapped.

Prepared and submitted by:

Accepted and Approved:

Utah Works Executive Director

Board for the Purchase of
Commodities and Services from
the Disabled

H. PAYMENT OF UTAH WORKS FEES

Utah Works was created to be a self-sustaining organization to meet the present and future needs of the Community Rehabilitation Program community with regards to State Use. Fees are needed for Utah Works to:

- ❑ Advocate on behalf of State Use and employment for people with severe disabilities
- ❑ Serve as the agent of the CRP community to the Board for Purchase from People with Disabilities
- ❑ Provide required reporting to demonstrate compliance with Utah Code 63-56-425
- ❑ Market State Use to State and other government customers
- ❑ Publicize the success and benefits of the program

Each participating (i.e., producing) CRP shall pay Utah Works monthly based upon the fee schedule in the following table:

Contract Annual Value		Proposed Annual Fee	Maximum Fee Allowed
From	To:		
\$0	\$5,000	\$275	\$300
\$5,001	\$10,000	\$500	\$575
\$10,001	\$25,000	\$1,200	\$1,375
\$25,001	\$50,000	\$2,500	\$2,625
\$50,001	\$75,000	\$3,750	\$3,750
\$75,001	\$100,000	\$4,750	\$4,750
\$100,001	\$150,000	\$6,750	\$6,750
\$150,001	\$200,000	\$8,496	\$8,500
\$200,001	\$300,000	\$12,000	\$12,000
\$300,001	\$400,000	\$14,952	\$15,000

Fees from the above schedule were established by the Utah Division of Purchasing (Solicitation No. TO9901) and represent the maximum allowable fees. Any deviation from this schedule may in no case be greater than those published; fees at a lesser rate than published must be approved and documented in writing by the Utah Works Management Committee.

Uniform Monthly Payment Contracts

For contracts that will pay the same amount each month during the year, fees are due and payable net 30 days from receipt of contract payment from the government customer. Payment shall include a copy of the payment from the government customer.

Indefinite Delivery/Indefinite Quantity (ID/IQ) Contracts

Indefinite Delivery/Indefinite Quantity contracts, such as document destruction or commodities (e.g. trash can liners, office products, sewn products) shall be due and payable net 30 day from receipt of contract payment from the government customer. CRPs shall pay 1/12 of the fee from the schedule above based on the volume projected by the State customer. ID/IQ contracts will receive an annual adjustment based on the annual sum of contract payments made to the producing CRP during the contract year.

- ❑ Utah Works will rebate any over payments made by the CRP to Utah Works based on an excessive calculation for any month(s) if applicable
- ❑ The CRP will pay a fee equal to the annual amount of the ID/IQ contract if the sum of their monthly payments for the year is less than the fee required for the annual contract income based on the fee schedule above

I. CONTRACT ASSIGNMENT

UTAH WORKS is charged by the Board for the Purchasing from People with Disabilities to collect and present information to the Board, which will allow the Board to establish:

- Reasonably Competitive Price (RCP) for a commodity or service to be placed on the Statewide Contract Covering Mandated Services (Statewide Contract)
- Fair and equitable assignment of the commodity or service to a Community Rehabilitation Program (CRP)

It must be remembered that UTAH WORKS is only the coordinating agency developing commodities and services for placement on the Statewide Contract. **The Board for Purchasing from Persons with Disabilities has sole authority to assign contracts to the procurement contract list.** The UTAH WORKS's role is to train CRP's in the procedure for completing the capability and capacity assessment and facilitating the presentation of the CRP's report to the State Use Board for its review.

Once a commodity/service is placed on the Procurement List, it is assigned to a CRP for a period of time determined by the Board.

The Process

There are basically two paths to obtaining a contract under Utah Code 63-56-425 through Utah Works:

1. A CRP may declare the intent to pursue a specific contract
2. Utah Works may solicit interest in a specific contract opportunity from qualified CRPs throughout the State

Both paths are described below.

Whether initiated by the CRP, UTAH WORKS, State Agency or Purchasing Division the following information must be collected and presented to UTAH WORKS who in turn presents the information to the State Use Board in order to:

- Establish a Reasonably Competitive Price (RCP) for a commodity or service
- Have the commodity or service be assigned to a CRP
- Have the commodity or service be placed on the “Statewide Contract Covering Mandated Services” (Procurement List).

A CRP ORIGINATES THE CONTRACT PROPOSAL

If a CRP desires to be given priority on the Statewide Contract, it must complete all applicable information on the CRP *Request for Assignment of Commodity or Service to the Master Statewide Contract (SUA-2)* form (See Attached) and send to UTAH WORKS declaring its desire to present and reserve the opportunity to produce the commodity or service for State Agencies to purchase.

The CRP must then submit to the Board through UTAH WORKS, documentation evidencing product or service development within 90 days. Note the work that must be completed by the CRP and UTAH WORKS in Phases I and III of the section on **CONTRACT DEVELOPMENT, ASSESSMENT, ASSIGNMENT AND IMPLEMENTATION**. The CRP then ~~must~~ complete all action necessary to place the commodity or service on the procurement list within nine (6) months after the request that the commodity or service be set aside. At anytime during the project implementation phase, UTAH WORKS and CRP, based on the CRP’s ability to prove capability and capacity, may request the Board make a permanent assignment of the contract to the CRP. The Board will then initiate Phases V through VII.

UTAH WORKS OR STATE ORIGINATES THE CONTRACT PROPOSAL

If UTAH WORKS or a state agency through UTAH WORKS originates an idea for a contract, the contract must be offered to all CRPs in the case of commodities and services. This offering will be in written form and include a REQUEST FOR INTEREST (SUA-1) form (See Attached). The process for initiating this form is described in the section on **CONTRACT DEVELOPMENT, ASSESMENT, ASSIGNMENT AND IMPLEMENTATION** found in Phase II, *Request for Interest from CRP*.

CONTRACT DEVELOPMENT, ASSESMENT, ASSIGNMENT AND IMPLEMENTATION

Whether initiated by the CRP, UTAH WORKS, State Agency, or Purchasing Division, UTAH WORKS must collect the following information in order to present a capability and capacity evaluation report to the State Use Board. The Board will review the report in order to establish a Reasonably Competitive Price (RCP) for the commodity or service and to assign a CRP the priority to produce the commodity or service that will be placed on the Statewide Contract.

THE PHASES

The process for developing, assessing, assigning and implementation of a contract may involve the following seven (7) phases:

- * Phase I. *Preliminary Assessment of Commodity/Service* is a UTAH WORKS analysis of the specifications of a particular commodity or service, which may be needed by the State.
- * Phase II. *Request of Interest* from CRP, is an opportunity for each qualified CRP to declare its interest in obtaining assignment of the commodity or service by the Board.
- * Phase III. *Assessment of CRP Capability and Capacity* is a detailed analysis facilitated by UTAH WORKS of each interested CRP's capability and capacity to produce the commodity or deliver the service.
- * Phase IV. *Evaluation of the CRP* is the reporting of the assessment findings for each CRP to the Board.
- * Phase V. *Board Review for Reasonably Competitive Price and of CRP Capability and Capacity* includes a review of the UTAH WORKS evaluation report and a Board interview with each CRP.
- * Phase VI. *Board Contract Assignment* is the Board's formal selection, announcement, and notice to the CRP and State Purchasing Division.
- * Phase VII. *Implementation of Assignment by the CRP* is the period during which the CRP must implement the contract.

DESCRIPTIONS OF THE PHASES

PHASE I. PRELIMINARY ASSESSMENT OF COMMODITY/SERVICE

This phase is a UTAH WORKS analysis of the specifications of a particular commodity or service, which may be needed by the State.

When applicable, the UTAH WORKS will:

1. Obtain from the purchasing Division or the procuring state agency a copy of the solicitation and annotated bid tabulation covering the current contract period or most recent solicitation for the proposed commodity/service.
2. Develop with the State agency an initial Statement of Work

3. Determine an estimate of annual contract revenue volume.
4. Documentation of the State's need to purchase the commodity/service.
5. Determine, through the Purchasing Division, if adding a commodity/service to the Statewide Contract will have significant impact on a substantial number of Utah businesses. List the current suppliers or contract holders if known.
6. Review with the Purchasing Division a proposed Reasonably Competitive Price (RCP) for the contract.

PHASE II. REQUEST FOR INTEREST FROM CRP

This phase is an opportunity for each qualified CRP to declare its interest in obtaining assignment of the commodity or service by the Board to the Statewide Contract.

When UTAH WORKS becomes aware of a commodity or service, which the State could benefit from by placing the commodity or service on the Statewide Contract, it will forward notice to all qualified CRPs through the *REQUEST FOR INTEREST (SUA-1)* form (See Appendix). Each CRP wishing to show interest in obtaining assignment of the contract must complete and send the form to UTAH WORKS within the timeframe indicated on the form.

PHASE III. ASSESSMENT OF CRP CAPABILITY AND CAPACITY

This phase is a detailed analysis by the UTAH WORKS of each interested CRP's capability and capacity to produce the commodity or deliver the service.

UTAH WORKS, in its detailed analysis of CRP capability and capacity, may arrange an on site visit with each interested CRP. The CRP will have prepared the following in writing prior to this visit:

1. Show the CRP's survey data on the prevailing wages based on experienced (non-entry level) non-disabled workers in industry in the vicinity for essentially the same type, quality, and quantity of work.
2. Comparative in-state commercial commodity/service costing.
3. Commodity/Service capability/capacity plan which addresses the following:
 - * Commodity/Service Budget Plan
 1. Cash flow projections for the first two contract years – is interpreted as having sufficient cash or, as appropriate, an established line of credit to meet the first and second month's payroll and supplies, equipment and space to begin providing the service or manufacturing the commodity, and raw materials

either on hand or readily available for the first order.

2. List your current State Use contracts and annual sales volume for the last full year.

* Employment Program description including:

1. How the facility is to make a value added contribution to the commodity or service thru employment of persons with disabilities.¹
2. Estimate the number of direct labor hours to be worked by persons with disabilities, which will be created by this contract.
3. Describe the work to be performed by persons with disabilities.
4. Estimate the percentage of direct labor hours, wages, and type of work to be performed by:

	Direct Labor Hours	Wages
Persons with Disabilities	%	\$
Non-Disabled persons, Including supervisors	%	\$

5. Demonstrate/describe how staffing resources can meet the 75% ratio rule with regard to direct labor hours.

* Ongoing Placement Program

1. Describe your placement program including the initial evaluation of each person working on a State Use contract, and annual review to determine each person’s job readiness, and ongoing liaisons with community services for the purposes of placement into competitive employment for any persons who may qualify for such placement.

* Quality Assurance Strategies

* List of current state agency customers for whom the commodity(s) or services(s) is/are regularly provided.

* The CRP, UTAH WORKS, and State Agency must develop and concur on a Scope of Work for a service or a Detailed Description of the commodity

* The CRP must make full disclosure of all costs related to the project to UTAH WORKS for verification and to the Board for approval. The CRP must complete the Utah Works Reasonably Competitive Price Workshop Costing Form (See attached).

¹ In the production of commodities, a rehabilitation facility is to make a value added contribution to the commodity by the reforming of raw materials, package modification, assembly of components, installation, warehousing, handling or a combination thereof. Shipments of commodities from a non-certified provider directly to the state are not eligible for the procurement list or participation in the program.

- * Address geographic location if the work is outside of the CRP's home office area, i.e. supervisors, management, etc.
 - * Supply the names and locations of the contractor(s) who would supply raw materials, semi-finished or finished products required by the CRP, including any information as to methods employed in selecting such suppliers, if appropriate.
4. Answers to the following questions:
- a) Are you current with Quarterly Reports and Temp Services Quarterly Report, if applicable?
 - b) Are you currently in a State Use Board Improvement Plan?
 - c) Is there an accompanying letter of support from the CRP Board of Directors?
 - d) Are you capable of beginning the project at the customer's desired start date?
- If you answered Yes to b) or No to a), c), or d), please explain.

In lieu of a site visit from UTAH WORKS, the above information may be requested in writing at the discretion of UTAH WORKS.

PHASE IV. EVALUATION OF THE CRP

This phase is UTAH WORKS's written reporting to the Board of the assessment findings for each CRP regarding the following:

1. Reasonably Competitive Price Information
In lieu of price concurrence with the government customer, CRPs through Utah Works may present the service or commodity RCP with supporting data to the Board during one of its periodic meetings. The supporting data shall include:
 - A breakdown of service or commodity for the labor, material, overhead, and other costs involved.
 - The opinion or comments of the purchasing agency and/or Purchasing Division concerning the proposed price and a statement from the purchasing agency or purchasing division indicating what changes in scope of work, if any, will be required in the new service period
 - The prevailing wage determination on which the proposed price is based
 - When appropriate, a copy of the most recent solicitation for the services or commodity and an annotated tabulation of the bids received.
2. CRP Capability and Capacity

Based on its collection of information about each CRP, ~~the~~ UTAH WORKS presents a written report to the Board on each CRP describing its capability and capacity to produce the commodity or service.

3. **Qualifying Matrix for Assignment of Commodities/Services**
In determining a qualified Community Rehabilitation Program for the assignment of a commodity or service to the Utah Statewide Procurement Contract List, the Board for the Purchasing from People with Disabilities will use information collected and/or tabulated from the QUALIFYING MATRIX FOR ASSIGNMENT OF COMMODITIES/SERVICES (Matrix) and the guide to that Matrix. (See attached form)

PHASE V. BOARD REVIEW FOR REASONABLY COMPETITIVE PRICE AND OF CRP CAPABILITY AND CAPACITY

This phase includes a review of UTAH WORKS evaluation report and a Board interview with each CRP.

1. In lieu of price concurrence with the government customer, review the RCP information submitted and establish a Reasonably Competitive Price:
 - a. Amounts being paid for similar articles in similar quantities by federal agencies.
 - b. Cost of commodities or services in quantities if purchased from reputable in-state vendors engaged in the business of selling similar commodities/services.
 - c. Amount paid by the State in any recent purchases of similar commodities or services in similar quantities, making due allowance for general inflationary or deflationary trends.
 - d. The actual cost to the CRP of manufacturing or providing the commodity or services with adequate weight to be given to legal and moral imperatives to pay severely disabled workers equitable wages.
 - e. The usual, customary, and reasonable costs of manufacturing, marketing, and distributions; and
 - f. A reasonable charge for overhead and profit
2. Evaluate the capability and capacity of each CRP:
 - a. Review the information submitted by UTAH WORKS on the CRP's capability and capacity.
 - b. Arrange with each CRP to demonstrate before the Board its ability to produce the service or commodity through one of the following presentation formats: video, in person demonstration, or on-site tour.

PHASE VI. BOARD CONTRACT ASSIGNMENT

This phase is the Board's formal selection, announcement, and notice to the CRP(s), State Purchasing Division, and purchasing agency.

After reviewing information provided by UTAH WORKS and the CRP, the Board will assign the commodity or service to a CRP based upon the State code.

At the Board's discretion, it may use any, some, or all of the following in making its decision for contract assignment:

- CRP capability and capacity
- CRPs performing service work in a nearby location or already producing a similar commodity or services for another purchaser.
- CRPs with the low dollar volume of state contract revenue during the previous 12 months.
- The preference/history of a State agency for/with a CRP
- When applicable, CRPs that will not subcontract with another CRP
- If a CRP originated a request for assignment of a commodity/service.

The Board will inform all interested CRPs in writing of the CRP who will be assigned the commodity/service prior to the public announcement of the assignment.

The Board will transmit the notice of the approved RCP and the assigned CRP to ~~the~~ UTAH WORKS. UTAH WORKS will in turn notify in writing the purchasing agency, CRP, and/or Purchasing Division through the following documentation; *Purchasing Agency Notification of Reasonably Competitive Price Determination, Utah Works/CRP Service Agreement, and No Debt Affidavit.*

PHASE VII. IMPLEMENTATION OF THE ASSIGNMENT BY THE CRP

Upon notice of assignment, the CRP must implement the contract within the timeframe established by the procuring State agency or the Purchasing Division or the contract assignment expires. The CRP might be allowed to extend the implementation period if it can be demonstrated that action will be initiated. CRPs must be aware that any priority assigned to them is not theirs forever, since contracts must be made available to other CRPs should the originally assigned CRP not fulfill its responsibility to implement the contract.

CONTRACT DISPUTES REGARDING ASSIGNMENT

In the event of a dispute regarding the assignment of a commodity/service by the Board, the disputing CRP representative should discuss the issue with the Chairman of the Board. If the matter is not satisfactorily resolved within forty-eight (48) hours after the request is made, the disputing agency or the UTAH WORKS may submit written appeal to the Board Chairman who will refer the matter to the full Board for resolution. Upon receipt of the appeal, the Board shall decide whether to grant a hearing or support the decision rendered by the Chairman at its next regular meeting.

In the event a hearing is requested, the Board shall determine whether a hearing shall be granted. The Board shall have the authority to refuse to review for lack of merit.

Qualifying Matrix for Assignment of Commodities/Services

Community Rehabilitation Program	Location	Existing Relationship	Capability	Performance	Direct Labor Ratio	Total Points	Rotation	Collaboration
Team Priority Ranking	1	2	3	4	5		Tie Breaker	Check for Interest
Total Points	25	25	30	10	10		No Points	No Points
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

**CRITERIA & POINT GUIDE
QUALIFYING MATRIX FOR ASSIGNMENT OF
COMMODITIES/SERVICES**

1) LOCATION (25 Points):

Points are based on the project location site in relationship to a CRP's Mail Office Location or an Established CRP Satellite Office location.

i) CRP Main Office Location

- (1) 25 points if the project is in the same county that the CRP Main Office is located
- (2) 15 points if the project is touching the county where the work originates
- (3) 5 points if there is an established satellite office in the same county

ii) Established CRP Satellite Office Location¹

- (1) 20 points if the project is in the same county as a Established CRP Satellite Office location
- (2) 10 points if the project is touching the county where the work originates of a Established CRP Satellite Office Location

2) EXISTING RELATIONSHIP (25 Points)

- i) 20 points to protect an existing [CRP/State Agency commodity/service] relationship were the CRP already holds the contract (whether set aside or not)
- ii) 5 points for customer documented recommendation based on a built relationship (recommendation must be in writing or presented by the State Agency at a Board meeting)

3) CAPABILITY SCOPE OF WORK (30 Points)

- i) 6 points for experience (Has the CRP done it before?)
- ii) 6 points for having enough employees as defined by a staffing plan
- iii) 6 points for having access to the equipment
- iv) 6 points for a Written Quality Assurance Plan
- v) 6 points for having the funding resources

4) PAST PERFORMANCE (10 Points)

- i) 10 Points for not currently being in a SU Board Plan of Correction

¹ Definition for an Established CRP Satellite Office – a site that has an active rehabilitation program with at least on of the following types of services: supported employment, work adjustment, placement, vocational evaluation, on-the-job training, job site training, prevocational training, vocational training, etc.

5) DIRECT LABOR RATIO (10 Points)¹

- i) 10 points if the 75% ratio is being met.
- ii) 0 Points if the 75% ratio is not being met.

6) ROTATION/(Tie Breaker) – in case where two or more CRPs score the same in overall points, the CRP that has the greatest amount of time since last being awarded a State Use contract of the same type will receive the award.

7) COLLABORATION (No Points)

- i) The Board may ask about this if interested
- ii) Place on the matrix form as a check off if there is a collaborative. There will be no points involved.

¹ Request for Waiver: If a CRP thinks there are extenuating circumstance which could alter its opportunity to score points in this area, the CRP may provide a written statement outlining its reasoning which justifies approval to be considered. Examples of situations for which a CRP might want to request a waiver are: 75% ratio is improving and taking over a contract from another CRP where the 75% ratio may have been already lower than the 75% ratio.

**REQUEST FOR INTEREST
ASSIGNMENT OF PRODUCT SERVICE TO
PROCUREMENT LIST**

*In order to be considered for the assignment of this product or service,
this form must be completed and faxed to the Utah Works office by (a.m.)(p.m)*

Date: _____

UTAH WORKS Project Manager:

General Product/Service Description

(Check One) Commodity Service Projected Start Date: _____

Description:

If this product or service is location specific, please describe below:

Community Rehabilitation Program IS Interested in the Project (Completed by the CRP)

Our CRP has conducted an initial feasibility study on the commodity/service listed above and have determined we have or will have the financial, technical, and human resources to produce the item(s) or service described above. I therefore, as a qualified CRP approved as a participant in the State Use Program by the Board and 501 (c)(3) non-profit entry, request the State Use Board consider our

CRP for assignment of the commodity or services.

CRP Executive Director: _____ Date: _____

CRP Name: _____

Contact Name: _____

Street: _____
City: _____
Phone: _____ Fax: _____ Email Address: _____

Community Rehabilitation Program IS NOT Interested in the Project (Completed by the CRP)

CRP Executive Director: _____
_____ (signature) _____ (Date)

CRP REQUEST FOR ASSIGNMENT OF COMMODITY OR SERVICE TO THE PROCUREMENT LIST

Community Rehabilitation Program Information (Completed by the CRP)

Our CRP has conducted an initial feasibility on the commodity/service listed below and determined that we have or will have the financial, technical, and human resources to produce the item(s) or service described. I also understand that the Board for Purchasing from People with Disabilities does not guarantee my request will give my CRP exclusive rights to produce the commodity or service presented herein. I therefore request the State Use Board consider my CRP for assignment of the following:

CRP Executive Director _____	(Signature)

CRP Name: _____	
Project Manager Name: _____	
Street: _____	
City: _____	
Phone: _____	Fax: _____
Email Address: _____	

General Product/Service Description

(Check one) _____ Commodity _____ Service	Project Start Date: _____
Description:	
Please describe the geographical service area(s)	

For UTAH WORKS use only:

Date Board Approved Exploration Phase: _____ Date Board Approved For Utah Works04

Date Board Approved Developmental Phase: _____

J. ONGOING PLACEMENT PROGRAM

Focus

Key components of an Ongoing Placement Program include:

- A preadmission competitive employment evaluation of each individual working on a State Use contract to determine the person's job readiness
- Periodic notes showing progress toward job readiness
- An annual competitive employment review to evaluate the person's job readiness
- Documentation demonstrating competitive placement efforts with community services

A description of each of these components follows:

A. Preadmission Competitive Employment Evaluation

1. It is recommended that the CRP incorporate the evaluation form (See Page 4) into existing documentation used during the intake process.

2. The evaluation should:

- a. Indicate the level of vocational ability of the worker with a disability when they begin their vocational training. Apply to all SUP contract individuals counted as part of the disabled director labor.
 - b. State that an individual is not ready for normal competitive employment (as defined by the SUP regulations) at this time.
 - c. Should be completed within 30 days of beginning vocational training.
 - d. Must be signed by a professional staff member of your agency. This person must be qualified by training and experience to evaluate the work potential, interest, aptitudes and abilities and abilities of people with disabilities. This may include, but is not limited to:
 - i. An on-site supervisor familiar with the vocational skills of the worker or
 - ii. A rehabilitation counselor capable of making such a determination.
1. The evaluator must consider all of the factors involved in successfully obtaining and maintaining a job in the community. The decision should not be based solely on productivity.

B. Annual Competitive Employment Review to Determine Job Readiness

1. Indicates the level of vocational ability of workers with disabilities employed by your agency for more than one year.
 2. It is recommended the review:
 - a. Incorporate the competitive employment statement into the existing form used to document performance measurements for commensurate wage payments, if used. This would ensure the evaluation is updated regularly.
 - b. An individual Performance Evaluation Form is a useful tool for meeting the DOL requirements for commensurate wages, and the requirement for the annual competitive employment statement under the State Use Program.
 - c. Use of an Individual Performance Evaluation Form is optional through completion of the form will ensure minimum compliance requirements for:
 - Department of Labor [Fair Labor Standards Act, Section 14©]
 - Office of Federal Contract Compliance Programs (Affirmative Action)
 - Service Contract Act (Worker's awareness of the enclosed content regarding wage payments.)
2. Applies to all individuals counted as part of the disabled direct labor workforce in a SUP contract(s).
3. Evaluated annually to reassess the individual's competitive employability. Competitive employment (as defined by SUP) is NOT considered supported employment for purposes of the State Use Program.
4. Must be signed by a professional staff member of your agency. This person must be qualified by training and experience to evaluate the work potential, interest, aptitudes, and abilities of people with disabilities. This may include, but is not limited to:
 - a. An on-site supervisor familiar with the vocational skills of the worker, or
 - b. A rehabilitation counselor capable of making such a determination
5. The evaluator must consider all of the factors involved in successfully obtaining and maintaining a job in the community. **The decision should *not* solely be based on productivity.**
6. Does not require staff members to determine that an individual will NEVER be ready for "normal competitive employment." Remember, the evaluation is for the individual's competitive employability at the present time. It is not inconsistent for an individual to have competitive employment as a long-term goal while they are working within a supported environment.

Periodic Notes

It is recommended that at least four times each year, but no fewer than once during the year, the CRP included a “periodic note (progress note)” in each individual’s file. These notes should describe the individual’s strengths and weaknesses, which impact upon productivity on the current job, as well as, the individual’s job readiness in regard to placement into the competitive employment market.

These notes are critical in assisting the CRP staff in completing the Annual Competitive Employment Review.

The periodic notes must also address efforts with community services by CRP staff and the individual worker toward placement in competitive work in the community.

Liaison to the Community

As part of the Ongoing Placement Program, the CRP must describe how staff and SU contract workers will make contact with the community to address factors that may help or hinder the worker in successfully obtaining and maintaining a job in the community.

Sample #1

Competitive Employment Statement

Competitive Employment Statement

Type of Review: X Initial _____ Annual

Based upon my professional review, my experience in supervising this individual, and my understanding of “normal competitive employment” I believe that Leroy Leftwich (is/ is not) capable of independently obtaining and maintaining a job in a competitive work environment a this time.*

John Baldwin
(Signature)

CRP Supervisor
(Title)

January 13, 2004
(Date)

*As required by SUP Regulations

REMINDER

- You must circle “is” or “is not.”
- “Is not” must be circled to count the individual as part of the disabled direct labor ration.

Sample #2

Competitive Employment Statement

Competitive Employment Statement

Type of Review: Initial X Annual

Based upon my professional review, my experience in supervising this individual, and my understanding of “normal competitive employment” I believe that Leroy Leftwich (is/ is not) capable of independently obtaining and maintaining a job in a competitive work environment a this time.*

John Baldwin
(Signature)

CRP Supervisor
(Title)

January 13, 2004
(Date)

*As required by SUP Regulations

REMINDER

- You must circle “is” or “is not.”
- “Is not” must be circled to count the individual as part of the disabled direct labor ration.

K. SAFETY AND HEALTH PROGRAM

Since both the Federal and State government have a large number of standards, which apply to various types of industries relating to safety and health, the UTAH WORKS will review a critical group of supportive-programs that should be part of an overall active CRP written safety and health program relating to the State Use Program contracts. Those components include but are not limited to:

- OSHA reviews
- Hazard Communication Plan (including MSDS)
- Blood Borne Pathogens Exposure Control Plan
- Fire Inspections
- Community Chemical Release
- Natural Disaster
- Worker record keeping
- Confidential worker medical records
- Minutes of Safety Committee(s)
- Minutes of Crew Safety Meetings

L. 63-56-425. Purchase from community rehabilitation programs.

(1) As used in this section:

(a) "Board" means the Purchasing from Persons with Disabilities Advisory Board created under this section.

(b) "Central not-for-profit association" means a group of experts designated by the board to do the following, under guidelines established by the board:

- (i) assist the board with its functions; and
- (ii) facilitate the implementation of board policies.

(c) (i) "Community rehabilitation program" means a program that is operated primarily for the purpose of the employment and training of persons with a disability by a government agency or qualified nonprofit organization which is an income tax exempt organization under 26 U.S.C. Sec. 501(c)(3) of the Internal Revenue Code.

(ii) A community rehabilitation program:

(A) maintains an employment ratio of at least 75% of the program employees under the procurement contract in question have severe disabilities;

(B) (I) complies with any applicable occupational health and safety standards prescribed by the United States Department of Labor; or

(II) is a supported employment program approved by the Utah State Office of Rehabilitation;

(C) has its principal place of business in Utah;

(D) produces any good provided under this section in Utah; and

(E) provides any service that is provided by individuals with a majority of whom domiciled in Utah.

(d) "Person with a disability" means a person with any disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102.

(2) (a) There is created the Purchasing from Persons with Disabilities Advisory Board within the Division of Purchasing and General Services of the Department of Administrative Services. The board shall be composed of the following three members:

(i) the director of the Division of Purchasing and General Services created under Section **63A-2-101** or a designee;

(ii) the executive director of the Utah State Office of Rehabilitation created under Section **53A-24-103** or a designee; and

(iii) a representative of the private business community who shall be appointed to a three-year term by the governor with the advice and consent of the Senate.

(b) The board shall meet, as needed, to facilitate the procurement of goods and services from community rehabilitation programs by a public procurement unit under this chapter by:

(i) identifying goods and services that are available from community rehabilitation programs according to the requirements under Subsection (4);

(ii) approving prices in accordance with Subsection (4)(c) for goods and services that are identified under Subsection (2)(b)(i);

(iii) developing, maintaining, and approving a preferred procurement contract list of goods and services identified and priced under Subsections (2)(b)(i) and (ii);

- a. (iv) reviewing bids received by a community rehabilitation program; and
 - (v) awarding and renewing specified contracts for set contract times, without competitive bidding, for the purchase of goods and services under Subsection (4).
- (c) The provisions of Subsections (2)(b) and (4)(a) are an exception to the procurement provisions under this chapter.
- (3) (a) The board may designate a central not-for-profit association, appoint its members, and establish guidelines for its duties.
- (b) The designated central not-for-profit association serves at the pleasure of the board and the central not-for-profit association or its individual members may be removed by the board at any time by a majority vote of the board.
- (c) Subject to the board guidelines and discretion, a designated central not-for-profit association may be assigned to perform the following duties:
- (i) identify qualified community rehabilitation programs and the goods and services that they provide or have the potential to provide;
 - (ii) help ensure that goods and services are provided at reasonable quality and delivery levels;
 - (iii) recommend pricing for goods and services;
 - (iv) reviewing bids and recommending the award of contracts under the board's direction;
 - (v) collecting and reporting program data to the board and to the division; and
 - (vi) other duties specified by the board.
- (4) Except as provided under Subsection (6), notwithstanding any provision in this chapter to the contrary, each public procurement unit shall purchase goods and services produced by a community rehabilitation program using the preferred procurement contract list approved under Subsection (2)(b)(iii) if:
- (a) the good or service offered for sale by a community rehabilitation program reasonably conforms to the needs and specifications of the public procurement unit;
 - (b) the community rehabilitation program can supply the good or service within a reasonable time; and
 - (c) the price of the good or service is reasonably competitive with the cost of procuring the good or service from another source.
- (5) Each community rehabilitation program:
- (a) may submit a bid to the board at any time and not necessarily in response to a request for bids; and
 - (b) shall certify on any bid it submits to the board or to a public procurement unit under this section that it is claiming a preference under this section.
- (6) During a fiscal year, the requirement for a public procurement unit to purchase goods and services produced by a community rehabilitation program under the preferred procurement list under Subsection (4) does not apply if the Division of Purchasing and General Services determines that the total amount of procurement contracts with community rehabilitation programs has reached \$5 million for that fiscal year.
- (7) In the case of conflict between a purchase under this section and a purchase under Section 63-56-423, this section prevails.

