

Purchasing From People With Disabilities Advisory Board

Contract Review and Approval Process

Tuesday, January 24, 2023 at 3:00 PM

Attendees:

Board Members – Stacey Cumming, Windy Aphayrath

Utah Works – Gavin Hutchinson

Other Attendees – Jason Goudy, Columbus; Tara Eutsler, Utah Division of Purchasing; Cherilyn Hess, Utah Division of Purchasing; Jillian Rafferty, Utah Division of Facilities and Construction Management; Joanna Reese, Utah Division of Facilities and Construction Management

Description/Agenda:

1. Review and approval of Meeting Minutes for June 29, 2022 - Action Item
 - Minutes were not provided to the Board. The Board will review and approve the June 29, 2022 minutes at the next meeting
2. 1870241 Ogden Probation & Parole Contract - Action Item
 - Expires on January 31, 2023
 - Gavin stated that the notice of contract availability was sent to the Utah Work's ESPD list and Stacy's list. No group but Enable Utah replied that they were interested in that contract.
 - Gavin provided Enable's bid to the Board prior to the meeting. The bid included the bid sheet with a breakdown, a cleaning schedule, and a cost proposal.
 - The Enable Utah bid for \$206,955.00. The contract dollar amount will include DFCM's miscellaneous cleaning requests of \$9,000 which is used when an extra cleaning request is required.
 - MOTION by Stacy that the Board approve the bid for the Ogden Probation & Parole Contract for Enable Utah [for \$206,955.00] and approve the final contract through email provided that the contract matches the bid. Windy seconded the motion. The motion carried unanimously.
 - Joanna will send the contract to the board members, Tara, Cherilyn, and to PPDABBoard@utah.gov. Tara will provide all emails to Joanna.
3. 2274027 Archives Warehouse Freeport Center C-6 - Action Item
 - DFCM had made moves to terminate the contract. Gavin had walked through with Joanna. Davis Behavioral Center was given a 10-day cure. Gavin stated that there were

a couple of walk-throughs. There was no improvement noted. Currently, this building is not being serviced at all.

- Gavin - The opportunity for this contract was sent out to CRP with Utah Works. The only response was received from Enable Utah.
- Request input from Jill & Joanna about the situation:
 - Joanna - After the inspection failed, she looked into the hours that Davis Behavioral Center was putting in. They were in breach of contract as they were 13 hours short each month. Davis Behavioral had been warned eight months previous. The building manager was cleaning the building
- Does DFCM have the rights to make changes to a CRP contract that they manage? Windy will follow up with the Assistant Attorney General to have a ruling on the ability for DFCM.
- Gavin - Davis Behavior did not respond favorably to 10-day cure request. The Davis Behavioral supervisor said that he only went to inspect about every 3 months. Gavin felt that they did not change behavior after their 10-day cure. They were not concerned about losing the contract. He is unsure why they are not meeting their hours.
- Joanna reminded the Board that DFCM canceled a contract with Davis Behavior in Farmington.
- Windy - Thanked Gavin for his comments. She felt that Joanna did her due diligence in working with the contractor. She raised the question, "Who has the authority to cancel a contract with a CRP vendor?" The recommendation must be brought to the Board who works in partnership with the agency. The Board makes the decision.

Windy said that her interpretation of the statute is that the authority to change CRPs or cancel contracts rests with the Board. DFCM does not have the authority to change a CRP without the authority of the Board. Windy will ask the Assistant Attorney General to review and decide.

- There was discussion about emergency services, if appropriate, or other options available.
- The Board requested that Utah Works work with Cherilyn Hess to post a solicitation and to send it to CRPs beyond the Utah Works group. This is to be completed before a 5-year contract will be considered. For the safety and well-being of the occupants, the building needs to be cleaned. DFCM should determine if this is an emergency procurement to allow a vendor to provide temporary cleaning until a solicitation is completed. Allowing a vendor to cover for 3-months will prevent a mad scramble and allow us to post the notice and get the information out to all CRPs on every list.
- Board requested that Enable send another person that strictly represents the interest of Enable during the Board Meetings allowing Gavin to strictly represent Utah Works.
- MOTION by Stacey that the Board supports the termination of the contract with Davis Behavioral Health for the cleaning of the Archives Warehouse Freeport Center. Seconded by Windy. The motion carried unanimously.

MOTION by Stacey that the Board request that DFCM work to declare this an emergency need and provide emergency services to the Archives Warehouse Freeport Center while the Board goes through the process of identifying a CRP who is interested

in securing a long-term contract, and that this will be for a period of two to three months. Windy seconded. The motion carried unanimously.

- The Board requests that Gavin get the posting out and to work with Cherilyn Hess to complete a public posting and mass email to all CRPs.

As the hour had elapsed, Stacey asked if other item on the agenda (items 4 & 5 below) must be handled today. Gavin's negative assessment concluded with the information that the next contracts do not expire before April. He will work with Cherilyn to post both the Archives Warehouse Freeport Center and the contracts that are going to expire.

6. Other Discussion

- The next monthly meeting will be February 28, 2023 at 3 PM.
- Windy requests that DFCM attend the monthly meetings moving forward.
- Stacey stated that the public position on the Board is now open. <https://boards.utah.gov/s/> Please let people who might have an interest know. Choose "Current Openings" then "Human Services." Then click "Purchasing From Persons With Disabilities."

MOTION by Windy to adjourn. Stacey seconded the motion. The motion carried unanimously.

OTHER AGENDA ITEMS moved to next month's meeting.

4. Review the status of upcoming expiring contracts

- o 186319 Utah Office of Tourism - Columbus Community Center -
- o PA376 Collection and Shredding of Office Wastepaper - Columbus Community Center
- o PA2835 Collection and Shredding of Office Wastepaper - Enable Utah

5. Discussion about Contracts that Expired in 2020-2021

- o 157902 DFCM/Agriculture- Janitorial Agriculture Bldg. - exp July 31, 2020 - Advantage Services
- o 200435 DFCM/DWS - Grant Orem Group Home - exp Dec 31, 2020 - TURN Community Services
- o 180754 DFCM/DWS - Grant Cedar City Triplex - exp Mar 31, 2021 - TURN Community Services
- o 1670049 DFCM/Tax - Tax Commission - exp Mar 31, 2021 - Work Activity Center
- o 1870114 DFCM/GovOps - Rio Grand Safe Zone Grounds Maintenance - exp Aug 31, 2021 - Advantage Services

6. Other Discussion

