

## **Specifications TEMP04**

### **Vendor Qualifications/References:**

To qualify to bid on this contract, bidders must have been in business for a minimum of three (3) years, providing similar temporary services. Please provide (3) references for whom you have provided temporary personnel in each Region for which you are bidding. These references (and number of years in business) should be added to the Pricing Sheet. Omission of references or failure to indicate number of years providing temporary personnel may result in disqualification of your bid. Bidders may submit additional information on their business qualifications; **please limit this additional information to a maximum of three (3) pages.**

### **Service Classifications:**

The request for quotation (RFQ) identifies ten specific job classifications commonly required by the state agencies. The job classification requirements for each position are enclosed. The bidder shall provide an **hourly** billing rate for each job classification. In order to assure the availability of temporary services throughout the State of West Virginia, the RFQ has divided the state geographically into four areas and the bidder shall provide an hourly billing rate for each geographical area in which contractor provides temporary service personnel for that classification.

The State of West Virginia reserves the right to issue multiple contracts for each of the four geographical areas identified in this RFQ. The geographical areas are defined on the Pricing Sheet. Bidders **SHALL** indicate on the Pricing Sheet the counties/regions for which you are bidding to supply temporaries.

### **Maximum Hours for Temporary Services:**

A maximum of 1,000 hours working, in any 12-month period, per individual shall be strictly enforced. This covers any placement an individual may have with all state agencies in the State of West Virginia. Individuals shall not be permitted to move from one temporary personnel agency to another to circumvent this limit. No approval for exceptions to this 1,000 hour limit shall be granted.

The quarterly reports required from the temporary personnel agencies shall provide information to allow monitoring of the 1,000 hour limit.

The temporary personnel agency and the state agencies shall both be responsible for limiting any individual to a total of 1,000 hours

***No approval shall be granted for temporary personnel exceeding the 1,000 hour limit.***

**Compensation:**

Spending units shall pay for temporary services in accordance with the hourly billing rates established in the contract. The only exceptions include overtime and holiday pay and authorized travel. (Special provisions for these exceptions are given below.) The contractor shall be responsible for paying any and all insurances, taxes, and other unnamed costs, which may arise concerning the temporaries.

**Overtime and Holiday Pay:**

Spending units may be permitted to utilize temporary service employees for more than the established forty hour week and shall pay one-and-a-half times the hourly billing rate for such services. Furthermore, if the services are provided on West Virginia State recognized holidays, these services shall also be paid at the one-and-a-half times the hourly rate for such services. The contractor shall pay the temporary one-and-a-half time the applicable rate of pay to their employee for overtime and holiday pay.

**Travel:**

Contractor and their employees shall be responsible for their own transportation and parking expenses. If a state agency specifically provides written authorization for the contractor to travel in order to perform the job classification, the contractor shall be reimbursed in accordance with the state travel regulations.

**Fee Adjustment:**

The State of West Virginia may consider an increase in the hourly billing rate only if the federal minimum wage rate changes during the life of the contract. Any adjustment shall be based on the actual dollar amount of the increase, not a percentage. Any request for an increase shall be submitted to the Purchasing Division 30 days prior to the effective date of the increase and the contract may be amended accordingly or cancelled. No other increases will be considered.

**Time Cards:**

The contractor shall supply all temporaries with time cards. Hours worked shall be signed on a daily or weekly basis by the state agency's area supervisor or designee.

**Conduct and Management:**

The contractor shall be responsible for the conduct and management of the temporary personnel provided on this contract and the temporary personnel are and shall remain the employees of the contractor. The State of West Virginia shall in no way be considered a co employer.

**Smoke Free and Drug Free:**

Contractor shall advise their employees that the state agencies require a smoke free and drug free work place. This contract may require drug testing of the vendor's employees for specific placements.

**One-Week Notice of Temporary Employee Replacement:**

Contractor shall provide one week notice should they be required to replace the existing employee or provide a new employee. The state agency is not required to justify any request to replace temporary personnel.

**Indemnification:**

The State of West Virginia shall not be responsible for any claim for injuries, including death, to the contractor, the contractor's agents, employees, temporaries, or third person, occurring on state property and the contractor agrees to indemnify and save the State of West Virginia and its officials harmless from any and all such claims arising from the use of state property and operation of the contractor thereof pursuant to this contract.

**Confidentiality:**

Contractor shall make it known to all their temporary personnel performing under this contract that they shall abide by the Privacy Act of 1974. The confidentiality of all sensitive information such as medical, income assistance, and personnel records shall be protected against unauthorized disclosure. This includes, but is not limited to, any and all temporaries performing routine office and clerical assignments.

**Ethics in Public Contracting:**

Contractor certifies the temporary services contract is entered into without collusion of fraud and the contractor has neither offered nor received any inducements from any individuals, public or private, in the preparation and pricing of the services to be provided.

### **Immigration Reform and Control Act of 1986:**

Contractor shall provide temporary employees which are in compliance with the Immigration Reform and Control Act of 1986.

### **Equal Employment Opportunity:**

Contractor shall be an Equal Opportunity Employer and shall take all employment actions without regard to an individual's race, color, national origin, ancestry, sex, religion, age, physical handicap, disability, or political affiliation.

### **Reports:**

Quarterly reports shall identify each temporary placement (by complete name), classification, number of hours worked (for quarter and YTD), and the state agency(s) where each has worked. Reports shall also contain summary total information.

### **Exception Labor Sources:**

There are certain labor services available to state agencies outside of the temporary services contracts, and the issuance of the temporary service contracts shall not alter or interfere with the existing laws, policies, and/or procedures for the use of these exceptional labor sources. Some examples of these sources include:

- Division of Personnel's temporary personnel registers.
- Other state agencies
- West Virginia Association of Rehabilitation Facilities (WVARF) shall have the opportunity to supply all temporary services, regardless of the dollar amount. The agency shall provide the Division of Personnel with an exception labor source letter signed by WVARF.
- Prison labor
- Students from institutions of higher learning
- Volunteers

### **Agency Ordering Procedures (Specific):**

Procurement shall be made with the usage of a form WV-39 Release Order. The release form shall contain a description of the services required and identify the job location within the region, job classification, hourly billing rate and number of hours required.

State agencies shall first contact the West Virginia Association of Rehabilitation Facilities (WVARF) (via fax – temporary personnel request form) for any position to be filled. WVARF shall reply to the State agency within 48 hours. When WVARF is unable to supply the temporary individual, or does not respond to the

agency within 48 hours, the vendor with the lowest hourly rate for that position *in their region* shall be contacted. When the contract(s) are issued, the State agencies shall receive a spreadsheet to identify the lowest cost supplier for each classification.

To fill a position for less than 320 hours, the state agency shall issue a WV-39 Release Order directly to the contractor,

To fill a position greater than 320 hours – to a maximum of 1,000 hours, a WV-39 Release Order must be sent through the Purchasing Division for approval prior to submitting to Temporary Personnel Agency.

**Estimated Expenditures:**

Previous annual expenditures against this contract amount to approximately \$3,000,000.00. Estimate is given for informational purposes and is not to be construed as a guarantee of any future contract usage.

**Preparation of Bids:**

Information requested on the pricing sheet is mandatory. Bidders are requested to type the pricing page and complete all requested information. **Note: Failure to provide references and number of years providing temporary services may be cause for disqualification.**

**Award of Contract(s):**

Contract awards will be limited to the four low bidders in each category for each region (meeting specifications). Under this scenario, it will be possible for a temporary agency to be awarded a contract for only a portion of the positions they bid. It will be necessary for the agencies to secure approval from the Purchasing Division if they do not use the low bidder for the position classification.

