

Specifications

Revised 3/06/2007

TEMP07

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. If possible, 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. No award shall be made prior to bidder providing such references. Bidders may submit additional information on their business qualifications; **please limit this additional information to a maximum of three (3) pages.**

If a Contractor awarded a contract subsequent to this RFQ observes any periods of shutdowns for more than a public holiday and a weekend, that information must be provided to West Virginia State Agencies that have placements through their agency. An emergency telephone number must be supplied to permit the State Agencies a contact at the temporary agency during any overtime hours worked.

Service Classifications:

The request for quotation (RFQ) identifies 17 specific job classifications commonly required by the State Agencies. The job classification requirements for each position are enclosed. The bidder shall provide the billing information for each job classification on which they wish to bid. 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 billing information for each geographical area in which Contractors provide temporary service personnel for each classification bid.

The State of West Virginia reserves the right to issue multiple contracts for each of the four geographical areas identified in this RFQ.

Pricing Pages

The geographical areas are defined on the pricing pages. Bidders **SHALL** indicate on the pricing pages the counties/regions for which you are bidding to supply temporaries. These pricing sheets shall be completed showing the pay rate for the classification, the statutory fees for which the temporary agency is responsible, and the overhead.

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 any and 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. At the anniversary date of the temporary worker, their yearly window reopens and they may work an additional 1,000 hours at a State Agency if they are selected as a temporary worker position.

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 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 Contractors 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 workers 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 the temporary worker pay rate. The Contractors shall pay the temporary one-and-a-half times the applicable rate of pay to their employee for overtime and holiday pay. The Contractors shall not be paid one and one-half times the rate for the statutory taxes and overhead shown on the bid sheets. These shall be paid at the straight time rate shown for each hour worked.

Travel:

Contractors and their workers shall be responsible for their own transportation to and from work and parking expenses. If a State Agency specifically provides written authorization for the temporary worker 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 and that rate change affects the temporary worker as shown on the pricing pages; increases may also be requested if the statutory fees increase. 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 and re-bid. No other increases will be considered.

Time Cards:

The Contractors 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 Contractors shall be responsible for the conduct and management of the temporary personnel provided through any subsequent 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.

Background Check/References:

State Agencies may request back-ground checks and/or references for any temporary worker. State Agencies may request to interview the temporary worker prior to filling positions to verify the individual has the qualifications for the temporary assignment.

One-Week Notice of Temporary Worker Replacement:

Contractor shall provide one week notice should they be required to replace the existing Worker or provide a new Worker. The State Agency is not required to justify any request to replace temporary personnel, nor are the State Agencies required to give advance notice. **NOTE: When a temporary worker is either pulled or quits, there is no automatic privilege granted to the temporary agency who supplied that temporary worker to replace that worker.**

Indemnification:

The State of West Virginia shall not be responsible for any claim for injuries, including death, to the Contractors, the Contractor's agents, employees, temporaries, or third person, occurring on State property and the Contractors 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 Contractors thereof pursuant to this contract.

Confidentiality:

Contractors 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.

HIPPA:

The HIPPA requirements are attached. This must be signed by the Contractors and returned prior to issuance of any contract.

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 workers which are in compliance with the Immigration Reform and Control Act of 1986 (or current law).

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), the State Agency(s) where each has worked, and the total dollars paid to that temporary worker. Reports shall also contain summary total information. These reports are mandatory; failure to adhere to this may result in cancellation of contract. Such

reports must be sent electronically (excel document) to the buyer responsible for this contract at the Purchasing Division and the buyer's assistant. Contractor may, at their option send a paper copy of such report.

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 using Agency shall document and maintain the exception labor source letter signed by WVARF. This exception (waiver) must be on file prior to Agency(s) contacting Contractor other than WVARF.
- Prison labor
- Students from institutions of higher learning
- Volunteers

Agency Ordering Procedures (Specific):

At the discretion of the using West Virginia State Agency, procurement shall be made by sending a Release Order (WV-39). 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, and start and end dates of the assignment. All releases shall be done by the ordering State Agency. If the invoices are processed through the Auditor's Office for payment, the State Agency must attach a copy of the waiver from WVARF if the temporary release is to a Contractor other than WVARF, and a copy of the WV-39 that includes all rates to be paid.

State Agencies shall first contact the West Virginia Association of Rehabilitation Facilities (WVARF) (via fax – temporary worker 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 worker, 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. If the temporary worker sent by WVARF is unable or unwilling to perform the job duties, the State Agency may (time permitting) allow WVARF a second chance to supply the temporary worker within 24 hours. If the State Agency is in a very tight time-crunch, they shall request a waiver from WVARF for their files and contact the next Contractor. The Contractor (other than WVARF) shall respond within a time frame as required by

the West Virginia State Agency. When a temporary worker is required on an emergency basis, the State Agency may restrict the window of opportunity to the (other than WVARF) Contractor. It is requested of WVARF that they provide information or a waiver in less than the 48 hours for an emergency request from a State Agency. NOTE: Continuous emergency requests for quicker response shall be reported by WVARF to the Purchasing Division.

When the contract(s) are issued, the State Agencies shall receive a spreadsheet to identify the lowest cost supplier for each classification.

If WVARF or any other Contractor has indicated they can fill the position and the temporary worker does not report for the temporary position without a reasonably acceptable explanation (in the opinion of the West Virginia State Agency), the State Agency may then go to the next low bidder to fill their temporary position. If the State Agency elects, they may go back to WVARF and ask for an immediate (within one day) replacement. If there is no temporary worker available immediately (within one day), the State Agency may move on to the next low bidder.

At the discretion of the West Virginia State Agency, the attached form may be required prior to accepting a temporary worker offered by any agency. If this form is used, it shall detail the job description, acceptable dress code, overtime requirements, and any other pertinent information the State Agency finds relevant. This will ensure that all temporary workers arriving at a West Virginia State Agency will have a full understanding of all that is required of them for the temporary worker position. If requested by the State Agency, this form must be signed by the Contractor and the temporary worker, indicating both the worker and the Contractor understand and accept the restrictions and requirements for the temporary worker position. The State Agency shall also use this form to list any prohibited activities by the temporary worker (discussion of pay, cell phone use, tobacco use, etc.)

Absent Temporary Workers

All Contractors (including WVARF) must notify the West Virginia State Agency immediately upon learning that a temporary worker will be tardy or will be absent from work. The Contractor must instruct their employees they report to their office in case of any absence. Failure to notify the State Agency of an absent employee is grounds to move on to the next bidder to fill the position. Information for those supplied through WVARF should be funneled back through WVARF whenever possible. It is strongly recommended to the Contractors that they check with each temporary worker one day prior to the beginning of the assignment to verify the start date. Contractors with a high percentage of "no shows" or a history of sending unacceptable temporary workers may be removed from the contract.

Removing a Temporary Worker

Whenever a temporary work is to be relieved of duties, the West Virginia State Agency shall notify the worker's employer (temporary agency). Whenever this removal is due to behavior and/or other unacceptable problem, the Contractor shall assist the State Agency in retrieving the electronic pass card whenever one has been issued. If a temporary worker has been relieved of the duties due to unacceptable behavior, that person shall not be referred again to any State Agency.

Solicitation for Temporary Workers

Contractors shall not solicit work from the West Virginia State Agencies. When the need arises for a temporary worker, the State Agency shall make the necessary contact. Solicitation for work for temporary workers is strictly prohibited.

Hiring of Temporary Workers/Credit Applications

There shall be no fee incurred by the State of West Virginia if an Agency decides to hire a temporary worker into a permanent position. The only fee paid through any resulting contract shall be the cost shown on the vendor quote.

Contract holders shall not require a credit application to be completed by any State Agency.

Contract holders shall not request nor require any additional forms, policy statements, etc. to be signed by any State Agency.

Contracts shall be governed by the specifications contained herein and in such statewide contracts as may be issued as a result of this request for quotation. A WV-96 is included in this package and must be signed and returned prior to issuance of any contract.

No additional terms and conditions shall be requested or required by the Contractors to any State Agency for any position filled through this contract.

Estimated Expenditures:

Previous annual expenditures against this contract amount to approximately \$2,000,000.00. 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 may be limited to the five 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.

Temporary Worker Request Form

West Virginia State Agency:	
Contact:	
Telephone Number:	

West Virginia State Agency Requirements For Temporary Worker(s)

Restrictions/Prohibitions for Temporary Workers

Form must be signed by both the temporary worker and representative of the temporary agency indicating acceptance of all requirements and restrictions for this temporary worker position.

Temporary Agency Representative

Temporary Worker

Date

Date