

Final Proposed Preferred Sources List Definitions

July 14, 2016

SECTION D: Approved Services

Temporary Personnel:

† **Office (recommend changing title to Temporary Personnel – Office)** is a temporary worker hired for a pre-determined period of time to assist a customer in an office environment. The worker may be asked to complete administrative and clerical tasks including, but not limited to, answering and directing calls, opening and distributing mail, operating office equipment, or other similar tasks as assigned. The worker may assist with a wide range of clerical and administrative functions. This service does not include professional, IT, or trade services.

Workgroup Comments:

NYSPSP: We would like to for this description to not exclude professional, IT, or trade services. State agencies often use temporary personnel for these functions and we would like the option to do that through Preferred Source. Please let us know your reasoning to specifically exclude it.

NYSID Proposed Edits: **Office (recommend changing title to Temporary Personnel – Office)** is a temporary worker hired for a pre-determined period of time to assist a customer in an office environment with a wide range of clerical, administrative, professional and IT functions. ~~The worker may be asked to complete administrative and clerical tasks including, but not limited to, answering and directing calls, opening and distributing mail, operating office equipment, or other similar tasks as assigned. The worker may assist with a wide range of clerical and administrative functions.~~ This service does not include professional, IT, or trade services.

NYSID Comments: Office personnel encompasses both clerical and professional positions as demonstrated by the OGS centralized contract for administrative services. Additionally, the introduction to the definition process provided by OGS staff states, “the majority of the proposed definitions are based on information presented to Procurement Council Staff in pricing applications previously submitted for approval.....” NYSID provided copies of existing contracts for this service based upon recent OGS price approvals which include professional and IT titles. This is further documented by the May 2, 2016 letter provided by Goodwill enumerating that 151 individuals with disabilities were placed in professional or IT titles in the last 2 years and 105 professional or IT titles available to employers.

Procurement Council Staff Response:

The staff received comments and edits from DOH, NYSPSP, and NYSID and performed internet searches to determine the usual and customary meaning of “office personnel.” We reached the conclusion that professional, IT, and trade service positions do not fall within the meaning of a temporary office worker. An internet search of the leading Temporary Employment agencies demonstrates that the following job titles are included under this heading: Office Assistant, Administrative Assistant, and File Clerk. Job responsibilities include: answering phones, greeting guests, handling all inbound communication, pulling reports, filing, scanning, managing records, generating documents, and utilizing basic office technology (fax, photocopying equipment, and Microsoft Office software). None of these jobs or responsibilities require a license or specialized skills such as are required for professional, IT, and trade positions.

* NYSPSP is approved to offer this service, therefore Ronald Tascarella has recused himself from discussion and vote.

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In addition, the OGS Hourly Based Information Technology Contract (HBITS) was developed in response to the State's strategic sourcing analysis. The study concluded that it was in the best interests of the state to require competitive bidding to obtain qualified skilled temporary IT workers for government agencies. Allowing IT workers to be provided by preferred sources without competitive bidding would undermine the very purpose of the HBITS contract.

There is an OGS Centralized Contract for trade workers, which was awarded following a competitive bid based upon the lowest mark-up over prevailing wage rates. The inclusion of trade workers under the Temporary Personnel - Office title will be in direct conflict with the representations made by OGS to the winning company that all state agencies, authorities, local governments, and school districts would obtain workers from that contract in the first instance, and OGS would be at risk of a claim of possible breach were we to agree to include trade workers under the temporary office worker title.

Lastly, professional workers such as lawyers, paralegals, doctors, dentists, nurses, social workers, and accountants must have licenses or certifications to perform their positions and their pay rates vary greatly depending on their years of experience and field of expertise. Therefore, the determination of the prevailing market rate for such workers will be difficult, if not impossible to determine. Without a competitive bid to confirm the price charged is no greater than 15% above such prevailing market prices, we believe it will not be possible to ensure price reasonableness for such workers.

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