



MEMORANDUM

To: New York State Procurement Council
From: OGS Preferred Sources Team (as Staff to the New York State Procurement Council)
Date: September 7, 2022
Subject: New York State Preferred Source Program for New Yorkers Who Are Blind (“NYSPSP”) Application to be approved to provide Temporary Personnel – Office as a Preferred Source Offering.

OVERVIEW

NYSPSP submitted an application for preferred source designation to provide Temporary Personnel – Office to the New York State Office of General Services (“OGS”) and Empire State Development (“ESD”) on June 22, 2022, and amended on August 23, 2022.

VISIONS will be the lead organization providing this service through NYSPSP. The addition of Temporary Personnel – Office as a NYSPSP preferred source offering will help ensure that the blind and visually impaired workforce at VISIONS is provided with ongoing, meaningful, short-term employment. NYSPSP maintains that in order to meet the potential future demands of New York State, it has other member agencies that are capable to offer Temporary Personnel – Office.

DEFINITION – Please see the State Procurement Council’s definition of ‘Temporary Personnel – Office’ dated November 8, 2017, and ‘Additional Guidance for the Procurement of Temporary Personnel – Office Services from NYS Preferred Sources’ effective January 2018 both attached as Attachment A.

LEGAL AUTHORITY

State Finance Law § 162(3)(b) provides that the Procurement Council may recommend the addition of services to the List based upon a review of relevant factors as determined by the Procurement Council “including costs and benefits to be derived from such addition and shall include an analysis by the Office of General Services.”

In addition, the Preferred Source Guidelines adopted by the Procurement Council contain detailed requirements for applications to add commodities or services to the List, set forth in Section X.D., Application Requirements. Such requirements include, among other things: (1) Service Specifications, including a recitation as to how the service is new or substantially different from the services already offered by the preferred source; (2) Market Information, including information on the potential market for the new service; (3) Client Employment, including the nature of the tasks workers with disabilities will perform; (4) Preferred Source, identifying the specific preferred source member organizations that will provide the service; (5) Value Added, identifying the value added by the preferred source client labor to the service; (6) Direct Labor Workforce, identifying the number and hours of direct labor to be performed by people with disabilities, including the percentage of direct labor to be performed by workers with disabilities; (7) Cost/Benefit Analysis, including a summary of projected costs and benefits expected to accrue to the State and the preferred source, as well as broader social and economic impacts on client employment and government costs; (8) Cost/Price Data, providing information sufficient for OGS to approve the price data and confirm that the price of the service will not exceed 15% above prevailing market price; (9) Current Suppliers, identifying the current suppliers or contract holders of the proposed service if known; and (10) Preferred Source Suppliers, providing the projected first year value of anticipated contracts, information on any proposed suppliers, and any information as to methods employed in selecting such suppliers.

NYSPSP APPLICATION INFORMATION

1. Service Specifications
NYSPSP has requested that it be approved to provide Temporary Personnel – Office, as previously defined and included in Attachment A. NYSPSP’s application provides an overview of this service offered by the Preferred Source and contains job titles and descriptions that conform to the existing definition.
2. Market Information
NYSPSP utilized the following sources in its research of the market for Temporary Personnel – Office: The Office of the New York State Comptroller’s (“OSC”) Directory of Frequently Purchased Commodities and Services, OGS Centralized Contracts, Contracts provided in response to Freedom of Information Law requests, Temporary Personnel – Office invoices from various regions in the State, OGS Centralized Contract for Administrative Services bid results, Open Book New York, NYS Contract Reporter, and Google Search Engine. The 2015-16

OSC Directory of Frequently Purchased Commodities and Services valued then-current State expenditures on temporary staffing at approximately \$359 million. This was the last year this report was published. NYSPSP projects an estimated first year of sales to be \$296,000.00, which is a fraction of potential procurement engagements. The potential number of Temporary Personnel – Office opportunities would be limited due to the assistive technology the blind or visually impaired employees would need to perform their work, operational workspace, and transportation.

NYSPSP's projection of first year sales is based upon the following inquiries received by NYSPSP from potential users:

- Department of Health 9/6/21 - \$96,000.00
- Department of Health 12/13/21 - \$54,000.00
- Department of Health 2/10/22 - \$96,000.00
- OTDA 3/28/22 - \$25,000.00
- Department of Health 5/4/22 - \$25,000.00

3. Client Employment

NYSPSP maintains that a successful application will provide NYSPSP and its member agencies with a basis to provide new opportunities for ongoing employment for people that are blind or visually impaired. Based on the estimated first year of sales, NYSPSP estimates that 9,866 labor hours will be created in the first year through the approval to offer this service equating to approximately 5.25 Full-Time Equivalents (“FTEs”). According to NYSPSP, all Temporary Personnel – Office engagements will meet the required ratio for blind or visually impaired labor. NYSPSP maintains that the applications will utilize a blind labor ratio of at least 75% or greater, which exceeds the Preferred Source Guidelines requirements for applications involving less than 10 FTEs. NYSPSP estimates that based on the inquiries for this service, there is a potential for the creation of 5.25 FTEs in the first year and the possibility for staff additions should NYSPSP grow in this service category. Adding NYSPSP as a Preferred Source approved to provide this service is an opportunity for the blind or visually impaired individuals to use their innate abilities and the assistive technologies that promote their independence.

4. Preferred Source

VISIONS has been a preferred source provider for many years and will be the primary preferred source providing Temporary Personnel – Office services. VISIONS has full- and part-time professionals, experienced and trained in this service. It is a member agency recognized for its strong Workforce Development department that administers program related employment and technology, to prepare legally blind clients to enter, or re-enter, the workforce. VISIONS and other member agencies will be able to offer employment opportunities and career choices suitable for people who are blind, severely visually impaired, or print disabled. NYSPSP member agencies would realistically only be utilized for a fraction of potential procurement engagements due to the need for the assistive technology required for the blind or visually impaired employees to perform their work, operational workspace, and transportation.

5. Value Added

NYSPSP has reported that individuals who are blind or visually impaired will be placed in Temporary Personnel – Office positions and perform functions that adhere to the current Temporary Personnel – Office definition. The employees at VISIONS and other affiliated member agencies will add value by serving the contractual needs of the procuring agencies. Some of these positions include, but are not limited to:

- Clerical Support
- Data Entry
- Word Processing
- Administrative
- Secretarial (lesser extent Executive, Legal, and Medical)
- Telephone
- Human Resources Support

6. Direct Labor Workforce

As mentioned above, NYSPSP's member agencies providing Temporary Personnel – Office services will utilize a direct blind labor ratio of at least 75% on every service application. This exceeds the requirements established in the Preferred Source Guidelines. According to NYSPSP, the number of hours for each application will vary by project. Based on the estimated first year sales, NYSPSP estimates 9,866 labor hours will be created through the addition of this service, equating to approximately 5.25 FTEs.

7. Cost/Benefit Analysis

NYSPSP maintains that being approved to offer Temporary Personnel – Office services will not only preserve but will create additional employment opportunities for blind or visually impaired individuals. In the first year the service will allow for the creation of an estimated 9,866 labor hours, with projected sales of \$296,000.00, and with at least 75% of those hours being performed by blind or visually impaired workers. This equates to the addition of approximately 5.25 FTEs of blind labor, with the expectation that employment opportunities will grow. With the addition of this service comes the potential to reduce high unemployment and underemployment rates of New Yorkers who are blind and visually impaired. These individuals will be able to apply their knowledge, grow their skill set, and avail themselves of the possibility for advancement. Additional benefits of Temporary Personnel – Office include, but are not limited to:

- The government procurer will have solicited proposals from preferred sources only and will not have to conduct a mini bid therefore lessening the administrative burden.
- Decreased demands on State entitlement programs and public assistance.
- Increase revenue from a new contingent of taxpayers not currently included in the workforce.
- Decrease the 70% unemployment and under employment rates amongst New Yorkers who are blind or visually impaired.
- Create employment opportunities.

8. Cost/Price Data

NYSPSP plans on using as a guide the price lists awarded to vendors that offer temporary administrative services and not-to-exceed rates listed in the OGS Centralized Contract for Administrative Services.

MAXIMUM-NOT-TO-EXCEED PRICING

COUNTIES IN REGION 1: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington

LOT NUMBER	REGION NUMBER	JOB CATEGORY	JOB TITLE	UNIT OF MEASURE	Not-to-Exceed Bill Rate (which may include any additional requirements set forth in the RFQ by the Authorized User)	Not-to-Exceed Overtime Rate
1	1	Office Worker Occupations	Bookkeeping, Accounting, and Auditing Clerks	Hour	\$14.40	\$21.60
1	1	Office Worker Occupations	Data Entry and Word Processing	Hour	\$14.40	\$21.60
1	1	Office Worker Occupations	Executive Secretaries and Administrative Assistants	Hour	\$15.82	\$23.73
1	1	Office Worker Occupations	Executive Secretaries and Administrative Assistants Bi-Lingual Spanish/English	Hour	\$15.82	\$23.73
1	1	Office Worker Occupations	File Clerks	Hour	\$14.40	\$21.60
1	1	Office Worker Occupations	Legal Secretaries	Hour	\$15.82	\$23.73
1	1	Office Worker Occupations	Mail Clerks, Except Mail Machine Operators and Postal Service	Hour	\$14.40	\$21.60
1	1	Office Worker Occupations	Medical Secretaries	Hour	\$15.82	\$23.73
1	1	Office Worker Occupations	Personnel Recruiter	Hour	\$24.00	\$36.00
1	1	Office Worker Occupations	Public Relations Manager/Public Information Officer	Hour	\$30.00	\$45.00
1	1	Office Worker Occupations	Receptionists/Secretaries, Except Legal, Medical, and Executive	Hour	\$14.40	\$21.60
1	1	Office Worker Occupations	Switchboard Operators, Including Answering Service	Hour	\$14.40	\$21.60

NYSPSP maintains that it will be able to stay within 15% of prevailing market for this service and in many cases should be able to provide cost savings to NYS agencies by offering a price at or below prevailing market.

9. Current Suppliers

NYSPSP has reported data related to vendors who are eligible to participate on the OGS Centralized Contract for Administrative Services and other vendors who provided temporary personnel services to the private sector in New York State over the past five years.

10. Preferred Source Suppliers

As mentioned above, VISIONS will be the primary NYSPSP member agency providing Temporary Personnel – Office services. VISIONS is located at 500 Greenwich Street, New York, NY 10013. NYSPSP has also listed Aurora of Central New York in Syracuse, VIA in Buffalo, Hellen Keller in Long Island, and NABA in Albany as member agencies being interested in providing this service.

EMPIRE STATE DEVELOPMENT REVIEW

On August 23, 2022, ESD advised OGS that because the Procurement Council previously approved Temporary Personnel – Office as a preferred source offering, there was no need for ESD to conduct a review to determine whether a substantial number of NYS businesses would be significantly impacted by the Procurement Council adding NYSPSP as an additional preferred source authorized to provide the service.

STAFF FINDINGS

1. The OGS Preferred Source Team reviewed the NYSPSP application submitted to OGS and ESD on June 6, 2022, and revised on August 23, 2022, together with supplemental information and determined that the application meets the requirements of Preferred Source Guidelines, § X.B. and § X.D.
2. Temporary Personnel – Office is not a new preferred source service, as it is already an offering provided by NYSID.

STAFF RECOMMENDATION TO THE PROCUREMENT COUNCIL

Based upon the foregoing, Staff recommends that the Procurement Council approve NYSPSP's application to provide Temporary Personnel – Office.

Following such approval, Section D of the List will be updated and a checkmark (✓) will be added to identify NYSPSP's Preferred Source Status for Temporary Personnel – Office as identified in this application.

Attachment A

Temporary Personnel - Office

Definition

Temporary Personnel-Office

List of Preferred Source Offerings Section D Approved Services

November 8, 2017

Temporary Personnel-Office ("Office Temps") are workers hired for a pre-determined period to provide program support and assistance. Office Temps assist with a wide range of administrative and clerical functions and may range in skill from entry level to highly experienced personnel.

Notice to Purchasing entities:

1. The following job descriptions and service categories are intended to provide guidance to purchasing entities. Because job titles vary by purchasing entity, the service categories that follow identify approved Preferred Source Office Temp service offerings.
2. The Office Temp service categories and job descriptions contain a set of tasks and general expectations which have been grouped together and categorized under service category headings. Purchasing entities must define their scope of work, staffing needs, and the level of skill required to meet their form, function, and utility requirements.
3. **Any job title identified by a purchasing entity must have an accompanying job description that aligns with the approved temp service categories under this definition.**

The definition of Temporary Personnel-Office is a framework under which Preferred Sources are approved to offer support functions. Experienced Office Temps may be required to supervise others.

4. This definition does not include the following:
 - a) Positions requiring policy decision making, financial advising, counseling, or program management.
 - b) Any positions that require a certification or license including but not limited to: services as an accountant, actuary, architect, attorney, physician, engineer, nurse, laboratory technician, paralegal, social worker, etc.
 - c) Any positions requiring Information Technology ("IT") hardware, software or system analysis, design development, programming, implementation, support, troubleshooting, repair, end user (break-fix) technical support, account administration, IT Helpdesk, etc.
 - d) Positions requiring manual labor services such as janitorial, maintenance, custodial, grounds, laundry, housekeeping, general labor, moving, warehouse, or construction trades etc.

At a minimum, Office Temps under all Service Categories should be able to utilize office equipment to enter and retrieve data. This includes but is not limited to the ability to use desktop or laptop computers, computer terminals, copiers, fax machines, desktop scanners, or multifunction devices to fax, scan, photo copy, etc. Office Temps should be able to communicate at a level and in the number of languages which meet the purchasing entity's form, function, and utility requirement. Office Temps may also be required to triage basic office computer and printer related issues, which require basic level knowledge of the operation of such equipment sufficient to engage appropriate IT resources for troubleshooting.

Temporary Personnel-Office Service Categories

Clerical Support Services (Calculations, File, Fiscal, Legal, Medical)

Perform a wide variety of clerical support duties, including but not limited to: typing, filing, or copying of correspondence, invoices, receipts, and other records in alphabetical or numerical order per the filing system used by the purchasing entity. Locate, retrieve, and file hard copy documents and open, edit, and save electronic files to various locations. Prepare incoming and outgoing mail for distribution. Duties may include; completing and filing records and forms. Provide basic bookkeeping, accounting, auditing, and billing support by coding, calculating, posting, or updating financial, payroll, accounts payable, accounts receivable, or budget type records, work with numerical data to keep records complete, and file records and forms. Some knowledge of financial terminology, payroll procedures, and budget preparation may be required. Ability to compute, classify, and record numerical data to keep financial records complete. May also check the accuracy of figures, calculations, and postings pertaining to business transactions recorded by other workers.

Data Entry and Word Processing Services

Operate standard office equipment with alphabetic or numeric keyboard; enter, verify, update, correct and retrieve information; enter information with speed and accuracy. Use office equipment (desktop, laptop, typewriter, etc.) to prepare letters, reports, forms, or other material from rough draft, corrected copy, or voice recording. Review and correct drafts for compliance with originals. Edit documents using proper grammar, punctuation, and spelling. Send and receive e-mail. Duties may include verifying data and preparing materials as specified by purchasing entity. Clerical support services may be incorporated into this service category. Follow and understand instructions for the development of final documents on word processing/computer equipment. Proofread and correct documents. Must have knowledge of business English, spelling, grammar, punctuation, math, knowledge of purchasing entity's software packages, and ability to learn within a reasonable time. May develop graphs, spreadsheets, charts, etc.

Administrative, Secretarial and Telephone Services

Provide support services that are essential to the operation of an office. Duties include scheduling, answering phones, typing, word processing, taking dictation, organization, and similar activities that support program areas as well as use of proper grammar, punctuation, and spelling when sending and responding to e-mail, drafting correspondence, scheduling appointments, proofreading or correcting documents, organizing and maintaining files, conducting research, sharing information, receiving or escorting visitors to meetings, or arranging conference calls. May also be required to operate multi-line telephone systems or switchboards to relay incoming, outgoing, or interoffice calls. May respond to inquiries or obtain information for the public, customers, visitors, and other interested parties. Call center, customer services, and telephone operators may provide scripted instructions to address customer concerns and forwarding the request to technical support if outside the scope of predetermined responses.

Human Resource Support Services

Provide HR teams and departments with support services including, but not limited to: employee benefits, payroll, on-boarding, human services, and salary information. Provide program support in the hiring process, including but not limited to: responding to application submissions, or screening applications and resumes. Send and receive e-mail, review and process employee leave, attendance, and time sheets.

Executive, Legal, and Medical Secretarial Services

Provide a high-level of administrative support services that are essential to the operation of an office, including but not limited to: preparing executive correspondence or confidential reports. May organize business office operations, answer and route calls, create and respond to correspondence, and send and receive e-mail. Use

proper grammar, punctuation, and spelling in business communications. Interface with customers, the public, or executives and perform special assignments, studies, and routine administrative or secretarial functions. May be required to use and understand legal terminology, procedures, and document formats to prepare legal documents such as summonses, complaints, motions, and subpoenas. May also assist with legal research. May be required to use and understand medical terminology, or hospital, clinic, or laboratory practices or the ability to take and transcribe complex medical dictation. Duties include scheduling appointments, medical coding, and billing, compiling, and recording confidential medical data, generating medical reports, and correspondence. Assist with calendars, travel arrangements, reimbursement, scheduling meetings/rooms/office equipment/conference calls/events, etc. Track and maintain office supplies and equipment.

ADDITIONAL GUIDANCE FOR The Procurement of TEMPORARY PERSONNEL-OFFICE SERVICES from NYS PREFERRED SOURCES

The State Procurement Council directed the Office of General Services (“OGS”), as staff to the Procurement Council, to provide guidance to government agencies in the procurement of Temporary Personnel–Office Services from a preferred source. The definition does not include additional temporary service categories, job titles, and associated duties related to positions in which the temporary worker performs much of their work outside of an office setting, but may receive information from or report information to an office. In the course of discussions by the State Procurement Council members, the following additional titles were considered but ultimately excluded from the final definition:

Bindery operators
Couriers/Messengers
Inspectors
Lifeguards
Sales Associates/Cashiers
Subway, Rail or Bus passenger counters, Temperature takers and Surveyors
Test administrators/monitors and proctors

The definition allows a four-year degree to be a requirement for a Temporary Personnel-Office title, however, it does not allow the inclusion of professional titles. In practice, this is meant to allow individual agencies and local governments to define the necessary skills for a Temporary Personnel-Office title, however, we encourage all procurement officials to consider whether the requirement of a degree is integral to the success of a candidate in a Temporary Personnel–Office title, or whether the function is better served by making the requirements less formal and more skills based.

In many agencies and local governments, permanent titles that require a four-year degree are professional titles required to make high level decisions. Please take careful note of the notice to procurement officials, bullet 4 in the definition, that specifically identifies the types of professional titles that are not included in this definition.

In all cases, the definition is driven by the content of the work. Procurement officials should describe the work responsibilities needed first and then match them to the responsibilities outlined in the definition.

The State Procurement Council recognizes that individuals with disabilities may work from an alternative office environment (i.e. home office) if the accommodation is within the technological, operational, and security needs of the procuring agency. The absence of the requirement for all office personnel to report to a defined office environment does not permit the above listed titles, or similar titles where the majority of the work is performed outside of an office setting, to be procured under the Temporary Personnel – Office service category.

Additionally, any service application for Temporary Personnel – Office must specify the number of individuals to be employed under the contract, the type of work they will be expected to perform, and the number of hours they will be expected to work in order for OGS (if contract value exceeds \$50,000) or the requesting agency (if contract value is at or below \$50,000) to confirm price reasonableness and requisite labor ratios are met.

Procuring agencies are reminded that they must not develop specifications or scopes of services for any proposed engagement or solicitation to intentionally exclude a preferred source. Procurement officials should

attempt to separate titles that are preferred source eligible from unrelated temporary titles to maximize the opportunities for individuals with disabilities while minimizing the use of any titles that are not approved under this definition. They should also guard against combining unrelated titles for the convenience of managing one contract or vendor. Agencies should not use the OGS administrative services centralized contract unless the titles needed are not included as a preferred source title, they have a clear form, function, and utility requirement that cannot be met by the preferred sources, and/or they have authorization to proceed after having solicited the preferred sources for ability and availability to fill the need.