

## **Award #23057 Administrative Services How to Use and FAQs**

The purpose of the Administrative Services Backdrop Contract is to provide Authorized Users with a means of acquiring Administrative Services (temporary services) Statewide.

These Backdrop Contracts have an established set of standardized terms and conditions, guidelines, processes and templates. When an Authorized User needs temporary personnel, they will issue a **competitive** Request For Quote (RFQ) in accordance with the terms and conditions of the Centralized Backdrop Contract and include any additional requirements of the positions sought to be filled. **The RFQ will be distributed by the Authorized User to all Contractors for the applicable Lot and Region where the work is to be performed (see "Mailing List" for the generic emails that are to be utilized). It is in response to the RFQ where the Contractors shall submit the actual proposed prices to be charged.** The Authorized User will then either use their NYS Procurement Card (PCard) to obtain temporary personnel, or issue a Purchase Order to the selected Contractor based on the RFQ responses.

The Office of General Services' Business Services Center (BSC) is available to assist state agencies with the development, solicitation and processing of RFQs conducted via this contract award. For assistance, please contact the BSC:

Email: OGS.sm.OGSbuydesk@ogs.ny.gov  
Buy Desk Support: (518)-408-7024

### **Authorized Users Please Note the Following Requirements:**

1. An Authorized User shall check the list of Preferred Source offerings and are reminded that they must comply with State Finance Law §162, which requires that agencies afford priority to the services of Preferred Source suppliers such as the New York State Preferred Source Program for People who are Blind and NYS Industries for the Disabled, when such services meet the form, function and utility of the Authorized User and the price offered is within 15% of prevailing market prices. If a preferred source does not meet an Authorized Users' form function and utility or the preferred source price is more than 15% above prevailing market prices, then the Authorize User may use this Contract.
2. Authorized Users must use the Request for Quote (RFQ) Process to obtain Administrative Services under this Award, as the rates listed under resultant Contracts from this Solicitation are Maximum-not-to-exceed rates. The Authorized User's request will be competitive based on the development of a specific need in accordance with the contractual terms.
3. An RFQ can be issued for a single title or a combination of titles. An RFQ for a combination of titles can only be issued if all titles sought in the RFQ are provided by all Contractors eligible to bid on the RFQ if the title was bid individually. A configurator has been added to the OGS website to assist Authorized Users with determining which titles may be grouped within a Lot and Region. **OGS strongly recommends using this configurator to determine whether or not the grouping of titles is allowable. Only titles within a single Lot and Region may be potentially grouped together. The Authorized User will use the RFQ**

**template with “Multiple Titles” in the dropdown box and attach an additional sheet with the list of titles (the additional worksheet will be available on the OGS website).**

Example: Lot A -: Asbestos Removal Workers, Boiler Makers, Carpenters, Laborers, Masons, Painters, Plumbers, Roofers, and Sheet-Metal Workers. Contractors A, B, and C can provide all nine titles; Vendor D has 8 of the titles, but not Sheet-Metal Workers. Asbestos Removal Workers, Boiler Makers, Carpenters, Laborers, Masons, Painters, Plumbers, and Roofers could be listed on a single RFQ because all four contractors offer all of these titles. Sheet-Metal Workers could not be added to this RFQ because Contractor D cannot provide Sheet-Metal Workers .

4. An Authorized User shall review the list of Regions to determine the applicable Lot and Region for the required service. NOTE: A separate RFQ should be issued for each Region.
5. The Authorized User will identify in the RFQ any special requirements such as evening or night shifts, work inside a secure facility, specialized training or experience, etc. **For Lots 2, 3, 6 and 11 where background checks are not automatically required, the Authorized Users shall inform the Contractor at this time if a background check will be necessary.** Authorized Users must request quotes, and may request resumes, from each Contractor listed within the applicable Lot/Region for the Title(s) they are seeking. **The Authorized User must send the RFQ, using the generic email address listed within the Award, to each of the Contractors within the applicable Lot/Region.** If the Contractor was not awarded the specific title within a Lot, the Contractor is not eligible to respond to the RFQ and no response is needed.
6. **A standard RFQ Form** for each specific Lot (Attachment 12 – *Request for Quote Forms – Lots 1, 4, 5, 7, 8, 9, 10, 11*, Attachment 13 – *Request for Quote Form – Lots 2 and 3* and Attachment 14 – *Request for Quote Form – Lot 6*), **must be used** and will be available on the OGS Contract Award page.
7. For all titles, with the exception of Hearing Reporter Services, Transcription Services and Translation and Interpretation Services, where on-demand services may be requested, a minimum of two (2) business days should be given for Contractors to respond to the RFQ or resume requests. The Authorized User will determine the amount of time needed for responses, beyond the two (2) day minimum, by taking into consideration the title(s) and complexity of needs. A minimum of three (3) quotes must be received by the due date and time in order for the Authorized User to proceed. In some Lot/Regions, where the total number of available Contractors may be less than three, this requirement will be waived. Authorized Users are not required to reach out to Contractors that did not respond to the RFQ to find out why they did not respond, unless the minimum number of quotes have not been received. In the event three (3) quotes have not been received by the due date and time provided, where required, Authorized Users must then reissue their request, and may want to consider modifying it, to be more detailed or to address the reasons which may have prevented Contractors from responding to the initial RFQ. If the Authorized User has not received the requisite number of responses after the reissued request, the Authorized User may, if they elect, award based on the quotes received in response to the reissued request. In all cases, Authorized Users must document the basis for their selection under the RFQ for the

procurement record.

8. RFQ's should be as detailed as possible, and, at a minimum, contain the following:
  - a. Region
  - b. Lot
  - c. Job title(s)
  - d. Location
  - e. Duration (not to exceed 24 months)
  - f. Hours (start and stop times, and whether overtime is anticipated)
  - g. Days of the week requested
  - h. Shift
  - i. Estimated Start date
  - j. Additional specifications, qualifications, experience or skill levels
  - k. Authorized User information
  - l. Order priority (normal – 7 days, priority – 3 days, overnight – next day, immediate – same day)
  - m. Response date and time
  - n. Other information and requirements necessary for the particular engagement
  
9. Authorized Users **must maintain a record** of the Contractors they send an RFQ to. It is highly recommended the Authorized User save both an electronic copy, and print-out of their email for the RFQ sent to all Contractors in the applicable Lot and Region for inclusion in their procurement record and submission to the OGS Business Services Center (BSC), should a listing be requested.
  
10. Contractor's quotes should be responsive to each of the Authorized Users requirements and contain both a competitive bill rate and a competitive overtime bill rate, if the Authorized User indicates in the RFQ that overtime is needed or anticipated. NOTE: Only the Contractor provides a bill rate.
  
11. Selection of the winning Contractor will be based on a best-value determination considering the Authorized Users needs and Contractors lowest price. Best value can be equated to low price by the Authorized User. The RFQ will result in an Authorized User either issuing a Purchase Order or providing their PCard information to the selected Contractor for Administrative Services. Each Authorized User Purchase Order or PCard transaction for services will be governed first by the terms and conditions specified in the OGS Centralized Contract and second by any terms and conditions added to the Authorized User's RFQ. See Appendix B Section 26 regarding modification of Contract terms.
  
12. Authorized Users should include as much information as possible to allow Contractors to provide complete and appropriate quotes and/or resumes by the due date and time provided. For example, if requesting the temporary services of a Nurse, the Authorized User should include the shift (day, night, weekend, etc.), the level of experience, the type of facility where services are needed (correctional facility, elementary school, etc.) and any other pertinent information, such as the potential for overtime. The Authorized User may include additional requirements, such as security requirements, advanced degrees, federal funding requirements,

familiarity with NYS-specific terms, confidentiality requirements, such as no work being performed offshore, shorter time frames for responding to urgent RFQs, electronic timekeeping, specific certifications, the need for travel, etc.

13. If an Authorized User is requesting more than one candidate at a time for the same title, the Authorized User may utilize more than one Contractor per quote. For example, if the Authorized User is requesting five nurses, and a single Contractor is only able to provide three, the Authorized User may select the remaining two from another Contractor's quote to fulfill their requirements. There is no limit to the number of Contractors that may be selected in order to satisfy an Authorized User's requirements; however, the cost for each must be considered and if all other requirements are equal, low cost shall be the determining factor.
14. An Authorized User shall issue a Purchase Order, initiate a PCard transaction or other written order for work to the winning Contractor, which is effective and binding on the Contractor at time of order in accordance with Appendix B §45. The Purchase Order shall contain the total exact or estimated cost, if an exact cost cannot be determined at that time A Contractor shall not initiate services until the Purchase Order or PCard transaction is issued, and an Authorized User shall not request performance of services until the Purchase Order or PCard transaction has been issued. Purchase Orders and PCard transactions may be issued for up to a two-year period (24 months) so long as the Purchase Order or PCard transaction is issued within the term of the Backdrop Centralized Contract. A Purchase Order that goes beyond the end of a fiscal year for a state agency will require a change notice to be implemented in the Statewide Financial System to authorize payments after the end of the prior fiscal year. Change notices are also allowed for up to two (2) years, upon both parties agreement. Blanket Purchase Order's may be used for either an exact, or estimated amount of hours at a set rate for a certain time period, specific to a Lot, Region and Title.
15. All NYS Procurement Guidelines must be followed and the Authorized User's procurement record should clearly show why one Contractor was chosen over another.
16. Contractor questions, clarifications, and/or disputes arising from an Authorized User's RFQ and/or Contractor selection are to be reviewed and resolved by the Authorized User and the Contractor, and not by NYS OGS.
17. **Desktop Publishing is NOT included in the Administrative Services Award.** If needed, an Authorized User must request this service separately.
18. In the event an Authorized User has an unanticipated or expedited need for services and the RFQ process provided for in the Contract will not allow the Authorized User to meet such unanticipated or expedited need for services, the Authorized User may acquire such services without issuing an RFQ as required herein but by obtaining quotes and making an award in accordance with the individual Authorized User's procurement procedures. The Authorized User shall document the nature of the unanticipated or expedited need for services and the process for obtaining quotes and making the award. The term of any award made without issuing an RFQ as required herein shall be limited to the minimum period of time necessary to meet the unanticipated or expedited need for services, until such time as the RFQ process can be completed.

### Suitability Determination Guidelines

In making a suitability determination, the Authorized User shall consider the information obtained through the background check for the following factors and evaluate them against the work to be performed, the performance location, and the degree of risk to its organization in accordance with NYS Correction Law §752:

- a) Any loyalty or terrorism issue;
- b) Patterns of conduct (e.g., alcoholism/drug addiction, financial irresponsibility/major liabilities, dishonesty, non-employability for negligence or misconduct, criminal conduct);
- c) Dishonorable military discharge;
- d) Felony and misdemeanor offenses;
- e) Drug manufacturing/trafficking/sale;
- f) Major honesty issue (e.g., extortion, armed robbery, embezzlement, perjury);
- g) Criminal sexual misconduct;
- h) Serious violent behavior (e.g., rape, aggravated assault, arson, child abuse, manslaughter);
- i) Illegal use of firearms/explosives;
- j) Employment related misconduct involving dishonesty, criminal or violent behavior; and
- k) Misrepresentation of information including educational and professional background, legal status or valid licensure.

The Authorized User shall evaluate any adverse information about a Candidate by considering the following factors before making a suitability determination:

- a) The nature, extent and seriousness of the conduct;
- b) The circumstances surrounding the conduct;
- c) The frequency and recent timeframe of the conduct;
- d) The individual's age and maturity at the time of the conduct;
- e) The presence or absence of rehabilitation and other pertinent behavior changes;
- f) The potential for pressure, coercion, exploitation, or duress;
- g) The likelihood of continuation of the conduct;
- h) How, and if, the conduct bears upon potential job responsibilities; and
- i) The Temp's employment history before and after the conduct.

**A negative suitability determination must be supported by a finding that the adverse information has a direct bearing on the potential job duties or that it is deemed sufficiently serious to bar the Candidate from a governmental site. The Authorized User should consult with its legal counsel regarding any questions on the suitability determination.**

### Frequently Asked Questions (FAQ's)

#### What are American Sign Language (ASL) Interpreters minimum fees?

- Where performance time for ASL services is for less than two (2) full hours, the Contractor will be paid for two (2) hours for on-site work, unless the interpreter is late for the scheduled appointment (in which case the Interpretation Services – Late Arrival Payment Reductions provision of Section 4.4, Lot 6- Translation and Interpretation Services shall apply). For work beyond two full hours, contract or will

be paid in thirty (30) minute increments as provided for in “Interpretation Services – Performance Time” above.

**What are Interpretation Services minimum fees:**

A Contractor will be paid a minimum of two (2) hours of the agreed upon rate for the following:

- Any appointment canceled with less than a twenty-four (24) hour notice from the scheduled appointment time (as long as the interpreter was on time).
- Other unusual circumstances approved by the Authorized User.
- Notwithstanding the above, for any appointment where performance time for services is for less than one (1) full hour, the Contractor will be paid for one (1) full hour. Contractor will be paid for a minimum of one hour for on-site work, unless the interpreter is late for the scheduled appointment. For unplanned services requested outside an Authorized User’s normal operating hours (8am to 5pm, Monday through Friday), an interpreter may be compensated one (1) additional hour. This requirement applies to all in-person interpretation services.

**Does Lot 11 use prevailing wage?**

For Lot 11 of this Award, the Contractor shall provide to the Authorized User, in response to an RFQ, personnel at the quoted hourly bill rate, which shall not be less than the cost of the applicable prevailing wage rate, including all supplemental benefits. The Authorized User shall obtain and provide in the RFQ a PRC#, from the Department of Labor for the applicable prevailing wage, which is based upon the date, job title and county which the work is to be performed, as identified at:

<https://applications.labor.ny.gov/wpp/publicViewPWChanges.do?method=showIt>.

If the hourly bill rate proposed by a Contractor is less than the applicable prevailing wage, plus all supplemental benefits required to be paid, the Authorized User cannot use that Contractor for the requested services.

**How is the winning Contractor selected?**

Selection of the winning Contractor will be based on a best-value determination considering the Authorized User’s needs and Contractors lowest price. Best value can be equated to low price. The Authorized User may interview selected candidates to make a best value award. The Authorized User should determine (and document) the evaluation method, as would be done for any other procurement. The Authorized User should also be prepared to explain the evaluation and selection should an unsuccessful bidder request a debriefing.

Additional information relating to a Best Value procurement is available in “The New York State Procurement Guidelines”, which can be found at:

<http://nyspro.ogs.ny.gov/sites/default/files/uploaded/NYS%20Procurement%20Guidelines.pdf>.

**If the resumes received do not meet your needs, can you request additional resumes?**

Yes. All bidders are to be treated fairly and equally and in compliance with State Finance Law and the Purchasing Instructions; therefore, you would need to reach out to all bidders that responded to request additional resumes.

**Are Authorized Users obligated to notify all bidders of the results?**

While it's not required under the terms of the award, it is recommended Authorized Users follow up with notification of award to all non-awardees.

**Are Authorized Users obligated, if asked, to notify non-selected bidders of the selected bidder's pricing?**

Again, while it's not required under the terms of the contract, the information would be subject to a FOIL request.

**Are contractors required to bid the position in the region where the position is based or can they travel between regions (ie. Regions 3 and 4)?**

Contractors may only bid the region where position is based.

**Does the Administrative Services Contract have MWBE goals?**

No, there are no goals assigned within this Award; however, Authorized Users can request goals at the RFQ level.

**FAQ's - OGS Business Service Center:**

**Is there a restricted period during the RFQ process?**

When the BSC is issuing an RFQ on behalf of another agency, they do impose a restricted period, which runs from the release of the RFQ to the date of the RFQ award.

**Do Authorized Users need to notify non-awardees?**

The terms of the Award do not require the agency to notify non-awardees. If/when the BSC is notified of an award by the agency, the BSC will relay to the Contractors that an award has been made. The BSC does not provide the name(s) or rate(s) of the winning Contractors. If a Contractor would like to know the results of a specific RFQ, they should submit a FOIL request to the contracting agency (Authorized User).

**If Contractors overbid, will the BSC reach out to notify them and let them modify their quote?**

If a Contractor overbids, their quote will be disqualified. The BSC will not notify the Contractor and will not allow them to modify their quote. We will, however, provide feedback to the vendor after the RFQ has closed and let them know their bid exceeded contract pricing.

**Can a PO be created after the expiration date of the RFQ?**

No. If the RFQ has expired, you would need to issue a new RFQ in order to create a PO.

**Desktop publishing is a key need of ours and is not included on this Award. We would need the same vendor to do both translation services and desktop publishing. Is there a way we can incorporate this on an RFQ?**

Yes, you may include in the “additional skill level, experience, or other requirement” section that desktop publishing is also needed, however those charges cannot be linked to the contract. If you are using a purchase order as your method of procurement, desktop publishing charges must be on a separate line on the PO and must comply with open market procurement requirements.

**If a vendor submitted an incorrect bill rate on their bid and corrected it to a higher rate after the closing date, what happens?**

The vendor must honor the price they initially bid even if it was a mistake. If they cannot/will not provide services at that price, the agency may select another vendor or reissue the RFQ.

**Does an RFQ template from a non-hosted agency need to be handled in different manner?**

No. All RFQs are handled in the same way.

**Are reissued RFQs sent to all vendors or only the vendors who didn't bid?**

Reissued RFQs will be sent to all vendors regardless of whether they submitted a bid on the initial RFQ. This will allow all vendors the same opportunities to review the RFQ and respond appropriately.

**How do I know if I'm an Authorized User of NYS OGS contracts, including the Administrative Services Backdrop Contract?**

Please contact NYS OGS Procurement Services Customer Services at: 518-474-6717, or via email at: [OGS.sm.customer.services@ogs.ny.gov](mailto:OGS.sm.customer.services@ogs.ny.gov).

**Are PCard purchases allowed under this Backdrop Contract?**

Yes. All Contractors have agreed to accept the NYS Procurement Card (PCard), or other electronic form(s) of payment, by Authorized Users for all titles.

**Are Contractors allowed to increase their not-to-exceed pricing during the term of the backdrop contract?**

No. The posted not-to-exceed pricing will remain in effect for the duration of the contract, including extension(s).

**Are contractors allowed to increase their quoted RFQ pricing at any time during the RFQ term?**



No. Accepted quoted pricing may not increase during the RFQ term.

**How do I know if the Backdrop Contractors are up to date on their required insurance?**

Please contact the OGS Bureau of Risk Insurance Management (BRIM) at:  
[ogs.sm.insrev@ogs.ny.gov](mailto:ogs.sm.insrev@ogs.ny.gov).

**Who do I contact if I still have questions regarding the Backdrop Contract?**

Please contact the Contract Administrator, Alyssa Nolte, at: 518-473-1863, or via email, at:  
[alyssa.nolte@ogs.ny.gov](mailto:alyssa.nolte@ogs.ny.gov).