



# COLORADO Procurement Guidance

A Publication of the State Purchasing Office

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## TOPIC – SERVICES SET ASIDE LIST

Colorado Legislature HB 08-1047 (24-103-801 thru 806 CRS) established a set aside program for certain qualified nonprofit agencies (Disability Set Aside Vendors) that bid for State of Colorado services solicitations when the nonprofit employs persons with severe disabilities. *This guidance does not apply to Service Disabled Owned Small Business (SDVOSB). Please check our website for separate guidance specific to SDVOSBs.*

## SCOPE

State Agencies (Agencies) must solicit bids first from the service set aside list before soliciting elsewhere. State Agencies is defined in CRS 24-103-802(7) as any State Office, Department, Commission, Institution, or Bureau, or any Agency, Division, or Unit within a Department or Office under the Procurement Code. Agencies should be mindful of State Statute, State Price Agreements and waivers when required.

## GUIDANCE

### Services Set Aside List

The Department of Human Services is responsible for creating and maintaining a list (known as the services set aside list) of all Disability Set Aside Vendors. This list is made available to the State Purchasing Director or designee. The State Purchasing Director or designee distributes the list to the Purchasing Directors of each purchasing entity within the scope of this guidance as well as all Disability Set Aside Vendors.

Tasks and activities to be included in the list are established by the Department of Human Service and are reviewed at least annually. The Department of Human Services will seek input of the State Purchasing Director or designee and they will solicit input from Purchasing Directors of each State Agency based on individual Agency needs.

### Categories for the Services Set Aside List

- ADVERTISING/MARKETING SERVICES
- BUILDING MAINTENANCE SERVICES
- DISPOSABLE PAPER, FOOD SERVICE SUPPLIES, PLASTIC BAGS/LINERS - SERVICE
- DOCUMENT DESTRUCTION AND SHREDDING SERVICES
- FOOD SERVICES
- GROUNDS MAINTENANCE & LANDSCAPING SERVICES
- JANITORIAL SERVICES
- LAUNDRY SERVICES
- MAILING/COURIER/SHIPPING SERVICES
- MOVING & RELOCATION SERVICES
- PRINTING/BINDERY SERVICES
- PRINTING/BINDERY SERVICES
- RECORDS MANAGEMENT/DOCUMENT SCANNING/DATA ENTRY



SECURITY SERVICES  
TELECOMMUNICATION SERVICES  
TEMPORARY PERSONNEL SERVICES  
VENDING/DISPENSING SERVICES

*A list of tasks with these categories is on the Services Set Aside List.*

**Application / Self Certification / Qualification Process**

Disability Set Aside Vendors must certify annually with the Department of Human Services and may reapply annually with the Department of Human Services to be eligible to respond to set aside solicitations. In the application, Disability Set Aside Vendors must certify they:

- Are registered with the Internal Revenue Service as a 501(c)3
- Are registered in the centralized supplier database (ColoradoVSS)
- Satisfy the statutory requirements, are eligible to bid on State services solicitations, and are able to be deemed a responsible bidder (CRS 24-103-401)
- Would be capable of hiring and would employ a total of seventy-five percent with severe disabilities and a minimum of twenty percent persons with severe developmental disabilities to perform any service for which the Disability Set Aside Vendor bids.
- Are able to meet any other qualifications the Department of Human Services deems necessary

**Disability Set Aside Solicitation Process & Obligation of Agencies**

When services are needed and are on the service set aside list:

- Agencies must solicit quotes first from Disability Set Aside Vendors when Agencies have services needs which require competitive bids (over \$25,000).
- If the value of the services are under \$25,000, Agencies may select a Disability Set Aside Vendor from the Services Set Aside List and not solicit quotes amongst Disability Set Aside Vendors.
- Agencies may use the quote form cover page provided by the State Purchasing Office and the Department of Human Services or may use their own solicitation format.
- Existing multi-year service contracts can continue through their terms but new multi-year service contracts must follow the Disability Set Aside process.

**Evaluation of Disability Set Aside Quote Responses**

- If two or more Disability Set Aside Vendors bid on the services solicitation, the Purchasing Director of the State Agency shall award a contract to one of the self-certified vendors based on a price competitive determination.
- If one Disability Set Aside Vendor bids on the services solicitation, the Purchasing Director of the State Agency shall award a contract to the Disability Set Aside Vendor ensuring the contract is awarded at a fair and reasonable price of up to fifteen percent above the fair market value of the services and subject to available appropriations.
- If the State Agency does not receive a bid from a Disability Set Aside Vendor for the services, the State Agency is permitted to procure the services through other approved procurement methods.
- Any Disability Set Aside Vendor that bids to perform a services solicitation shall include in the bid the percentage of the total contract price that it will spend on the salary or wages of the employees hired to perform the services solicitation, not including the salary or wages for administrative staff or employees.



### **Quoting Instructions**

- Refer to the services set aside list and direct your quote request to all self-certified vendors listed for the category of services you require for the region that the services are needed. Quote request will be directed to Disability Set Aside Vendors via email.
- Statute does not specify a particular solicitation method. Our guidance is to use a documented quote.
- Agencies may require meetings, walk-throughs, and clarifications in their solicitation process.
- All Central approval processes continue to be in place, such as Division of Central Services, OIT, HR, etc.
- Prior to making an award, the Agency must ensure the quote is responsive to the requirements, price competitive, and within budget or appropriation (CRS 24-103-805).
- Disability Set Aside Vendors are to be notified when Agencies make an award. Protest rights should be included in this notification.
- Disability Set Aside Vendors are subject to State Contract or Agency Purchase Order terms and conditions.

### **Renewals and Terminations:**

State Agencies that have awarded a solicitation to a Disability Set Aside Vendor shall (before the expiration of the term of the contract) renegotiate a fair and reasonable price for the services performed. Agencies are not permitted to solicit new bids for the services performed by the Disability Set Aside Vendor unless one of the following occurs:

- The Disability Set Aside Vendor no longer wishes to perform the services for the Agency;
- The Agency decides to perform the services internally and hires State employees to perform the services;
- The Agency no longer needs the service provided by the Disability Set Aside Vendor; or
- The Disability Set Aside Vendor has not met the requirements for the services offered

Disability Set Aside Vendors must confirm the percentage of the total contract price that it will spend on the salary or wages of the employees hired to perform the services in the contract (not including the salary or wages for administrative staff or employees) at the time of renewal of the contract.

### **Reporting (Awards – Renewals – Terminations)**

Agencies that award / renew service agreements with Disability Set Aside Vendors shall report to the Director of State Purchasing or designee within ten business days the following information:

- Awardee Name
- Category of services and brief description of tasks associated with the services
- Amount of the award
- Percentage of the total contract price that the Disability Set Aside Vendor will spend on the salary or wages of the employees hired to perform the services (not including the salary or wages for the administrative staff or employees). This information has to be given by the Disability Set Aside Vendor in the response to the request for quote or upon renewal.
- Annually, no later than August 1st; all Agencies who have issued contracts or purchase orders to Disability Set Aside Vendors must report to State Purchasing Office the status whether renewed or terminated in which case give the reason(s) as permitted under CRS 24-103-805 (3) a-d.

Reporting and notification can be sent via email to [state\\_report2spo@state.co.us](mailto:state_report2spo@state.co.us) and indicate in the subject line “Disability Set Aside Report”.