

NOTICE OF DETERMINATION OF PRODUCT SUITABILITY  
FROM A QUALIFIED REHABILITATION FACILITY

Before the Chief Procurement Officer, State Procurement Office  
State Services Division, Department of Administrative Services,  
of the State of Oregon

In the Matter of the Qualified Rehabilitation	)	DETERMINATION OF
Facility, Sunrise Enterprises of Roseburg, Inc.,	)	SUITABILITY & ORDER,
Request for Suitability for providing	)	
<b><u>Recycling Services</u></b>	)	

ORS 279.845(2) requires the Department of Administrative Services (DAS) to establish and publish a list of sources or potential sources of products and services produced by qualified non-profit agencies for disabled individuals, which DAS State Procurement Office (DAS/SPO) determines are suitable for procurement by public agencies pursuant to ORS 279A.025(4), 279C.335(c) and ORS 279.835 to 279.850.

Oregon Administrative Rule (OAR) 125-055-0020 outlines the process used by DAS/SPO to make such a suitability determination.

**FINDINGS OF FACT**

**A. Request:**

- (1) In accordance with OAR 125-055-0020(10)(a), Sunrise Enterprises of Roseburg, Inc. has submitted a request and information to retain its listing on the Products of Disabled Individuals Procurement List for providing **Recycling Services**, defined as defined as a system of collecting and sorting mixed material that would otherwise be considered waste. The following information satisfies the criteria required under OAR 125-055-0020(3).
- (a) Qualified Rehabilitation Facility (QRF): Sunrise Enterprises of Roseburg, Inc. is compliant as a QRF in accordance with ORS 279.835(5)(a)(b)(c) and OAR 125-055-0005 and OAR 125-055-0035.
- (b) Ownership: All equipment utilized in providing **Recycling Services** is the sole property of Sunrise Enterprises of Roseburg, Inc.
- (c) Tied Products: In accordance with OAR 125-055-0020, Sunrise Enterprises of Roseburg, Inc. shall not obligate a public agency to buy a product tied to the service provided, unless the product provided is incidental to, or consumed in the performance of the service.
- (d) Pricing: DAS/SPO will determine pricing per contract specifications. Pricing will meet the requirement of OAR 125-055-0030, Determination of Price.
- (e) Purpose, Value, Capability:
- i. Labor Operations: Sunrise Enterprises of Roseburg, Inc. employs approximately forty-eight (48) individuals with disabilities, as defined in ORS 279.835(3), who complete the tasks.
  - ii. Appreciable Value: Individuals with disabilities perform the tasks of recycling including but not limited to loading and unloading trucks with recyclable materials, grading, sorting, processing and baling recyclable materials. These activities satisfy the requirement of a measurable addition of value in the rendition of the service.

- iii. Salaries: Sunrise Enterprises of Roseburg, Inc. employees are compensated for their work performed at a rate of pay that is consistent with the applicable legal requirements of state and federal government.
- (f) Subcontractor Disclosure: No subcontractors are utilized and no partnerships or joint ventures are planned.
- (g) Quality Standards and Delivery Schedules: Sunrise Enterprises employees receive training in processes and procedures annually. OSHA annually inspects Sunrise Enterprises operations. Some customers are on a set schedule for pick up while others call as needed. Sunrise dispatches vehicles in response to pick up requests. All employees receive training annually.

## B. Need for Product or Service

Public Agencies in Douglas County, subject to ORS 279.850(1), routinely require **Recycling Services**.

## CONCLUSIONS

Based on the Suitability Determination request and SPO's fact-finding, Sunrise Enterprises of Roseburg, Inc. has satisfied the criteria required by OAR 125-055-0020. The QRF Coordinator recommends to the Chief Procurement Officer that Sunrise Enterprises of Roseburg, Inc. continue to be listed on the Products of Disabled Individuals Procurement List for **Recycling Services** as suitable for procurement by public agencies.

## ORDER

DAS/SPO has determined **Recycling Services** provided by Sunrise Enterprises of Roseburg, Inc. meet all the criteria for product suitability in accordance with OAR 125-055-0020(3)(e) and shall continue to be listed on the Products of Disabled Individuals Procurement List as suitable for procurement by public agencies pursuant to ORS 279A.025(4), 279C.335(a) and ORS 279.835 to 279.850 subject to the following conditions:

- a. Sunrise Enterprises of Roseburg, Inc. is approved as a provider of **Recycling Services** to public agencies subject to ORS 279.850(1) in Douglas County, provided they can meet the specifications and timelines of the contracting agency. Prior to offering these services in any other county, DAS/SPO must approve the amendment request from the QRF.

The Notice for Determination of Suitability to maintain **Recycling Services**, provided by Sunrise Enterprises of Roseburg, Inc., on the Products of Disabled Individuals Procurement List shall constitute a final order under ORS 184.484.

July 15, 2008  
Approved for Notice

07/15/2008  
Date of Posting

07/30/2008  
Effective Date of Listing

Dianne Lancaster FOR Dianne Lancaster  
Dianne Lancaster  
Chief Procurement Officer  
State Procurement Office  
Department of Administrative Services

**C. Protest of Suitability Determination:**

A person or entity may protest this suitability determination in writing by 5:00 p.m. on the 14th calendar day following the Date of Posting. The protest must be received, at DAS/SPO, submitted to the attention of the QRF Coordinator at 1225 Ferry St., SE, U140, Salem, OR 97301-4285. The written protest must demonstrate:

- a. How the listing will adversely affect the person's or entity's ability to compete for public contracts for the product or service proposed to be listed, and,
- b. How the product or service to be listed fails to satisfy the criteria stated in OAR 125-055-0020(3).

If a timely, written protest is received, DAS/SPO will consider the protest and issue a written response to the protest in accordance with OAR 125-055-0020(7). In considering a timely protest, DAS/SPO may request further information and comment from the complaining party and the QRF that submitted the request for Suitability Determination.

DAS/SPO will not consider a protest unless it is in writing and received by 5:00 p.m. on the 14th day following the Date of Listing.