

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, Step Forward Activities, Inc.,)	SUITABILITY & ORDER,
Request for Suitability for providing)	
<u>Remanufactured Toner Cartridges</u>)	

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), Step Forward Activities, Inc. has submitted a request and information to retain its listing on the Products of Disabled Individuals Procurement List for providing **Remanufactured Toner Cartridges**, defined as a replaceable component of selected computer printers that has been rebuilt using new and used parts containing powdered, highly concentrated pigment spread on paper while printing. The following information satisfies the criteria required under OAR 125-055-0020(3).
 - (a) Qualified Rehabilitation Facility (QRF): Step Forward Activities, 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 **Remanufactured Toner Cartridges** is the sole property of Step Forward Activities, Inc.
 - (c) Tied Products: In accordance with OAR 125-055-0020, Step Forward Activities, Inc. shall not obligate a public agency to buy a product tied to the product provided, unless the product provided is incidental to, or consumed in the performance of the product.
 - (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: Step Forward Activities, Inc. employs approximately twenty-five (25) individuals with disabilities, as defined in ORS 279.835(3), who complete the tasks.
 - ii. Appreciable Value: Individuals with disabilities perform the majority of the tasks required to remanufacture toner cartridges, including but not limited to, disassembly of the cartridge, cleaning the cartridge hopper, inserting new parts into the cartridge, testing the cartridge, packaging the remanufactured cartridge and preparing cartridges for shipping to customers. These activities satisfy the requirement of a measurable addition of value in the building of the product.

- iii. Salaries: Step Forward Activities, 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: Step Forward Activities, Inc. subcontracts with Garten Services for the collection of depleted toner cartridges along the I-5 corridor from Portland to Eugene. A partnership with the Oregon Department of Corrections provides inmates of the Powder River Correctional Facility as Step Forward Activity employees with disabilities for assembly of toner cartridges.
- (g) Quality Standards and Delivery Schedules: The quality of every toner cartridge is evaluated upon assembly with a print test. Toner cartridges with inadequate test results are rebuilt if possible or scrapped when necessary. Step Forward Activities guarantees the performance of all toner cartridges and will replace the defective cartridge, as well as clean and repair the printer if necessary. Toner Cartridges are delivered within 14 days of the order by Step Forward employees, or by common carrier as necessary depending on delivery location or order size.

B. Need for Product or Service

Public Agencies in the State of Oregon, subject to ORS 279.850(1), routinely require **Remanufactured Toner Cartridges**.

CONCLUSIONS

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

ORDER

DAS/SPO has determined **Remanufactured Toner Cartridges** provided by Step Forward Activities, 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. Step Forward Activities, Inc. is approved as a provider of **Remanufactured Toner Cartridges**, as identified in the DAS/SPO contract, to public agencies subject to ORS 279.850(1) in the State of Oregon, provided they can meet the specifications and timelines of the contracting agency.

The Notice for Determination of Suitability to maintain **Remanufactured Toner Cartridges**, provided by Step Forward Activities, Inc., on the Products of Disabled Individuals Procurement List shall constitute a final order under ORS 184.484.

6/14/09
Approved for Notice


Dianne Lancaster

Chief Procurement Officer

State Procurement Office

Department of Administrative Services

06-04-2009

Date of Posting

07-04-2009

Effective Date of Listing

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.