

Successor Contractor Requirements and Process When a QRF Contract is Terminated or not Renewed

The provisions of OAR 125-055-0037 are activated when a QRF Contract, as defined in OAR 125-055-0005(4), is terminated by either the QRF Contractor or by the Public Agency, or is not renewed for the same Janitorial Services, Grounds Maintenance Services or Security Services, and the Public Agency desires to Contract for substantially those same services. Oregon Administrative Rule 125-055-0037(3) describes the process and roles when another QRF provider is seen as suitable and able to provide the service being provided by the outgoing QRF.

A Successor QRF Contractor must offer employment to individuals with disabilities working more than 28 hours per week on the contract with pay and benefits at least as favorable to the employee as the departing QRF Contractor. The departing QRF Contractor must cooperate with the Successor Contractor by providing information to the Successor Contractor that includes wage and health benefit information for the subject QRF employees with disabilities employed more than 28 hours per week to fulfill the ending contract.

A Successor Contractor is required to offer employment to those individuals with disabilities working 28 hours per week on the contract, subject to the Successor Contractor's established hiring procedures within 90 days after the inception of the Successor Contract. The Successor Contractor may subject those individuals with disabilities hired to a probationary period to demonstrate their abilities to meet the qualifications as the Successor Contractor applies to new hires.

A Public Agency purchasing the services should include a provision in the Successor contract requiring the Successor Contractor to follow the requirements of Oregon Administrative Rule 125-055-0037.

Suggested language:

“Contractor shall comply with the QRF Contract Termination and Successor Contract Requirements prescribed by Oregon Administrative Rule 125-055-0037.”

A Public Agency is responsible to determine and document whether another QRF provider has the ability or is interested in meeting the requirements of the contract. The non-QRF Successor Contractor shall offer employment to all employees working 28 or more hours per week to fulfill the terminated Contract, including individuals without qualifying disabilities but not managers or supervisory personnel.