



STATE USE LAW

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BACKGROUND

Idaho is one of some thirty states with laws that give priority to the purchase of goods and services from people with disabilities. Idaho's State Use Law", Section 67-2319 of the Idaho code was passed in 1973 and provides as follows:

67-2319. PURCHASING PRODUCTS OF REHABILITATION FACILITIES.

Products which are manufactured by and services which are provided for nonprofit corporations and public agencies operating rehabilitation facilities serving people with disabilities and disadvantaged people and offered for sale at the fair market price as determined by the administrator of the division of purchasing which meet the specific requirement for such products may be procured by the state agencies or departments or any political subdivision of the state from such nonprofit corporations or public agencies without advertising or calling for bids.



REHABILITATION AGENCIES

IDAPA 38.05.01.042 EXCEPTIONS TO FORMAL SEALED PROCEDURE

Purchases meeting the following criteria need not be purchased by competitive solicitation:

.05 REHABILITATION AGENCY ACQUISITIONS

Acquisitions of property that is provided by non-profit corporations and public agencies operating rehabilitation facilities serving the handicapped and disadvantages and that is offered for sale at fair market price as determined by the administrator in accordance with these rules.

- **No competition required when utilizing a rehab agency providing services at fair market price.**
- **Example: Rest area janitorial services**

ACCSES IDAHO

<http://accses-Idaho.org/>

(fka Idaho Association of Community Rehabilitation Programs)

- “(A) non-profit organization dedicated to assisting its membership in the provision of services to individuals who are disabled and disadvantaged.”
- Composed of (11) community rehabilitation programs
- A list of programs and the types of goods and services are provided on the website (and excerpted on the next slide(s))



ORGANIZATIONS QUALIFYING AS VENDORS FOR PARTICIPATION UNDER THE IDAHO “USE LAW” FOR THE PERIOD NOVEMBER 1, 2017 THROUGH OCTOBER 31, 2018

- The Arc, Inc., Lisa Cahill, Executive Director
- Cache Employment & Training Center, Kae Lynn Beecher, Executive Director
- DePaul Industries, Marci Bailey, Regional Manager
- Development Workshop, Inc., Mike O’Bleness, President/CEO
- Magic Valley Rehabilitation Services, Inc., John Bodden, Executive Director
- Opportunities Unlimited, Inc., Hannah Liedkie, President
- New Day Products and Resources, Inc., Terry Fredrickson, CEO
- Panhandle Special Needs, Inc., Jean Post, Executive Director
- TESH, Inc., Frances Huffman, CEO
- TRI-CO, Inc., Deanna Thomason, Interim Executive Director
- WITCO, Inc., Maureen Stokes, President/CEO

PRODUCTS AND SERVICES

- **Janitorial/Custodial**--CETC, DWI, MVRS, New Day Products/Resources, OUI, TESH
- **Printing**---The Arc
- **Assembly/Packaging/Shrink Wrapping/Shipping**—CETC, DWI, MVRS, OUI, TESH, WITCO
- **Envelope Stuffing/Labeling/Mail Processing**—CETC, OUI, TESH
- **Plaques/Trophies/Ribbons & Medals/Engraving**—New Day Products, WITCO
- **Staffing**—DePaul Industries
- **Document Destruction**—TESH, WITCO



PRODUCTS AND SERVICES

- **Plastic Injection Molding**—DWI
- **Production Sewing**—DWI
- **Vehicle Detailing**—MVRS
- **Rubber Stamps**—New Day Products
- **Die Cutting**—DWI
- **Threshold Mats**-TESH
- **Woodworking Projects/Stakes/Lathe**-New Day Products, OUI, Tri-Co
- **Screen Printing**—WITCO
- **Popcorn Bakery**—WITCO



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IDAPA 38.05.01.046 DETERMINATION OF FAIR MARKET PRICE FOR REHABILITATION AGENCY ACQUISITIONS

Upon receipt of a rehabilitation agency proposal accompanied by detailed cost data, the administrator will conduct a survey of the market appropriate for the property being sought. The fair market price of a rehabilitation agency shall not be greater than one hundred twenty-five percent (125%) of the lowest price received during the survey. The administrator will notify by letter the rehabilitation agency concerned advising it as to whether it is offering property at fair market price.

WHAT'S THE PROCESS?

- Is your procurement under \$10,000?
 - No competition or authorization required

- Is your procurement anticipated to be at or above \$10,000?
 - Review the list of Rehabilitation Agencies and the goods/services offered by each one to determine whether pursuing the exemption is a viable option to meet your agency's needs
 - If you determine to explore that option, contact the Rehabilitation Agency (contact information provided at Accses Idaho website) and request a quote, with detailed cost data
 - If you determine to move forward with a request under IDAPA, submit a written request to DOP to utilize the Rehabilitation Agency, identifying the goods or services, and providing a copy of the quote
 - DOP will work with the agency to coordinate the requisite survey
 - Survey results must demonstrate that the Rehabilitation Agency's price is no greater than 125% of the lowest surveyed price in order for the Administrator to issue written authorization to utilize the Rehabilitation Agency under IDAPA



QUESTIONS?





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**TAKEAWAYS: WHEN IN DOUBT, CALL DOP AS A RESOURCE
WORK THROUGH YOUR AGENCY/DEPARTMENT PURCHASING AGENT OR BUYER
GET DOP INVOLVED EARLY (FOR NEW PROCUREMENTS, AMENDMENTS AND ISSUES)**

WE WANT TO HELP YOUR AGENCY GET THE PRODUCTS/SERVICES YOU NEED; THROUGH AVAILABLE, LEGAL MEANS; WHILE MAINTAINING THE INTEGRITY OF THE PROCESS, IN THE BEST INTEREST OF THE STATE.