



**STATE OF DELAWARE
THE STATE USE COMMISSION
ASSISTING
PEOPLE WITH VISUAL IMPAIRMENTS AND
OTHER DISABILITIES WITH EMPLOYMENT**

GENERAL RULES AND GUIDELINES
Approved April 26, 2001 Meeting

- I. The Commission will meet the third Thursday of each month as deemed appropriate and necessary by its Chairman.
- II. Agencies desiring participation under the Use Law need to provide verification that they are a qualified rehabilitation facility as defined under the law.
- III. The Commission shall transmit no later than 90 days following the close of the fiscal year to the Governor and General Assemblies an annual report identifying its members a description of its activities for the year and any recommendations for changes in the law.
- IV. Set-aside requests and assignment requests submitted by a qualified rehabilitation facility must provide all relevant information as required by the Commission. A set-aside / assignment request procedure has been developed for this purpose.

A set-aside request should be presented at one meeting but not voted on until the next, unless deemed to be an urgent circumstance and the Commission Members present agree to waive the waiting period.

- A. In the case when an agency wants to develop and research a new product or service for set-aside a "Request for Assignment" can be made. The attached form would be used when requesting an assignment. The period allowed for development of assigned items should not exceed twelve (12) months. A six months extension could be granted if requested by the assigned agency. At the end of this development period, the agency must present the assigned product of service for set-aside. If no set-aside request is made at that time, then another agency could request and be assigned the item.

B. The qualified Rehabilitation facility must provide the following information when requesting the set-aside of a particular product or service:

1. Review cost analysis format
 - a. Price shall recover (Law Sec 9604 A)
 - i. Raw Materials * - Ref. Page #1
 - ii. Labor – Ref. Page #2
 - iii. Overhead – Ref. Page #3
 - iv. Delivery Costs – Ref. Page #1 and #3.

*Major components will require cost verifications

2. Copy of specification or clear description of product or service is required.
 - i. Samples required as appropriate.
3. Verify Competitive Pricing
 - i. Obtain most recent State Bidding / Award information
 - ii. Provide commercial price information
 - iii. Obtain independent / commercial bid data
4. Price Changes and Modifications
 - i. Shop to provide substantiation for price increase
 - ii. Submit new cost analysis highlighting changes from original
5. Workshops are responsible for presenting / providing all items: 1 – 4. Commission then to review and respond concerning acceptability.

C. Should scenario arise that there are two agencies requesting Set-Aside or Assignment of the same service or product at the same time:

1. State Use Commission should determine which agency is best prepared to accomplish the project utilizing the guidelines listed as follows:
 - i. Space available
 - ii. Equipment available
 - iii. Funds
 - iv. Personnel
 - v. Knowledge and experience
 - vi. Quality control
 - vii. Jobs created

- V. Upon review and approval for set-aside the Commission forwards correspondence to the State Division of Purchasing. This new item will be added to the Procurement List of Products and Services. A State Contract will be established and distributed to all State Agencies who may need to purchase these items. Attached is a copy of the Procurement List.

- VI. In keeping with the scope and purpose of the State Use Law, agencies requesting “set-aside” of a product or service must guarantee that disabled persons will perform 75% of all direct labor.
 - A. An agency proposing a set-aside may present a “phase-in” plan so as to accomplish this requirement. Starting at no less than 50% an agency needs to bring percentage of disabled direct labor to 75% as soon as possible, but not to exceed eighteen (18) months.

- VII. Products or Services proposed to be set aside to the Commission would typically not be approved if the price exceeds by 10% what the State is presently paying.

ASSIGNMENT FORM

AGENCY

DATE

LIST PRODUCT OR SERVICE TO BE ASSIGNED FOR DEVELOPMENT:

ESTIMATED TIME NEEDED TO DEVELOP:

COMMENTS:

ASSIGNMENT DATE

NAME / TITLE
REQUESTING AUTHORITY