

Re: Initial Certification for RESPECT of Florida Employment Center

Thank you for your inquiry into becoming a RESPECT of Florida Employment Center. In order to participate as an Employment Center to provide commodities or services to state and local government through the provisions of Chapter 413, Florida Statutes, our governing body, the Florida Department of Management Services, must certify the nonprofit agency for the blind. In accordance with Chapter 60E-1, Florida Administrative Code, this requires submission of the following items to our office:

- Transmittal letter requesting certification as a participating nonprofit agency for the blind, signed by an officer of the corporation;
- Copy of Articles of Incorporation showing date of filing and signature of an appropriate state official;
- Copy of Bylaws, certified by an officer of the corporation;
- Copy of registration as a charitable organization from the Florida Dept. of Agriculture and Consumer Services;
- Copy of IRS Tax Exemption Determination letter-501(c)(3);
- Copy of U.S. Department of Labor Special Minimum Wage Rates Certificate, if applicable OR

*If not applicable and your agency does not utilize a Special Minimum Wage Certificate:*

- Submit a written statement, on your agency letterhead and signed by your agency Executive, stating that any future employees who will perform work to produce commodities and/or services for the RESPECT program will earn Florida minimum wage or above. (When your agency has, at any time during the fiscal year, paid employees who have worked on a RESPECT contract, you will be required to provide either a copy of your U.S. Department of Labor Special Minimum Wage Certificate or a written testament regarding the wages of the employees as part of the re-certification process. The testament must be less than one-year-old, signed by a certified public accountant and state that after reviewing your program's payroll records, employees who performed work to produce commodities and/or services for the RESPECT program earned Florida minimum wage or above.)
- Signed Department of Labor/OSHA attestation form and copies of your agency's Health and Safety Policies and Procedures;
- Completed and signed copy of the enclosed Certification Form, including agreement that during the fiscal year the Qualified Nonprofit Agency for the Blind will employ blind individuals for not less than 75 percent of the person hours of direct labor required for the protection or provision of the commodities or services.

Enclosed is a copy of Chapter 413.032-037, Florida Statutes and Chapter 60E-1, Florida Administrative Code. You should become familiar with the provisions of the statutes and the rules that govern RESPECT of Florida. If you have any questions regarding this matter, please feel free to contact me at (850) 942-3530 or e-mail [dlenk@respectofflorida.org](mailto:dlenk@respectofflorida.org). For more information on RESPECT of Florida's commodities and services, please visit our website [www.respectofflorida.org](http://www.respectofflorida.org). We truly appreciate your interest!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dayna Lenk', is written over a light blue circular stamp.

Dayna Lenk  
Compliance Director

Enclosures



### Employment Center Certification Checklist

In order to participate as a RESPECT of Florida Employment Center to provide commodities and/or services to state and local government through the provisions of Chapter 413, Florida Statutes, our governing body, the Florida Department of Management Services, must certify nonprofit agencies. This requires submission of the following items to our office, in accordance with Chapter 60E-1, Florida Administrative Code.

\_\_\_\_\_ Transmittal letter requesting certification as a participating nonprofit agency, **signed by an officer of the corporation**

\_\_\_\_\_ Copy of Articles of Incorporation **showing date of filing and signature of an appropriate State official**

\_\_\_\_\_ Copy of Bylaws **certified by an officer of the corporation**

\_\_\_\_\_ Copy of Registration as a Charitable Organization from the Florida Dept. of Agriculture & Consumer Services

\_\_\_\_\_ Copy of IRS Tax Exemption Determination letter – 501(c)(3)

\_\_\_\_\_ Copy of U.S. Department of Labor Special Minimum Wage Rates Certificate, if applicable

OR

*If not applicable and your agency does not utilize a Special Minimum Wage Certificate;*

Submit a written statement, on your agency letterhead and signed by your agency Executive, stating that any future employees who will perform work to produce commodities and/or services for the RESPECT program will earn Florida minimum wage or above. (When your agency has, at any time during the fiscal year, paid employees who have worked on a RESPECT contract, you will be required to provide either a copy of your U.S. Department of Labor Special Minimum Wage Certificate or a written testament regarding the wages of the employees as part of the re-certification process. The testament must be less than one-year-old, signed by a certified public accountant and state that after reviewing your program's payroll records, employees who performed work to produce commodities and/or services for the RESPECT program earned Florida minimum wage or above.)

\_\_\_\_\_ Completed and signed copy of the enclosed Certification Form

\_\_\_\_\_ Signed Department of Labor/OSHA attestation form and a copy of your agency's Health and Safety Policies and Procedures

\_\_\_\_\_ Employment Center Current Contact Information form

Enclosed are copies of Chapter 413.032-037, Florida Statutes, and Chapter 60E-1, Florida Administrative Code.



FLORIDA DEPARTMENT OF MANAGEMENT SERVICES

Initial Certification Form
Nonprofit Agency Employing Individuals Who Are Blind
Under Chapter 413.032 – 413.037, Florida Statutes

FISCAL YEAR ENDING JUNE 30, 2017

TO: RESPECT of Florida Certified Employment Centers:

All of the following requested items of information should represent total annual figures for fiscal year ending June 30, 2017. Hours of direct labor reported must be actual hours worked which can be documented by payroll records. For the purpose of this form, direct labor is defined as all direct work that includes actual preparation, processing, assembly, or packaging of commercial commodities or direct work that includes the actual performance of commercial services. Please be sure to include all employees that were employed at any time during the reporting period.

The above information must be completed and returned to:

RESPECT of Florida
Attn: Dayna Lenk
2475 Apalachee Parkway, Suite 205
Tallahassee, Florida 32301-4946

1. Name of agency: \_\_\_\_\_

2. Complete address: \_\_\_\_\_

3. Enter total annual number of employees who have provided direct labor in the production of all commercial commodities and services produced by the agency. This refers to all commercial commodities and services agency-wide to include RESPECT and any other commercial commodities or services.

- (a) Number of employees who are blind \_\_\_\_\_
(b) Number of employees who are blind \_\_\_\_\_

4. Enter total annual number of direct labor hours that have been provided agency-wide by employees from item 3. Enter percentages.

- (a) By employees who are blind \_\_\_\_\_ Hrs \_\_\_\_\_ %
(b) By employees who are not blind \_\_\_\_\_ Hrs \_\_\_\_\_ %
(c) Total hours of direct labor provided \_\_\_\_\_ Hrs 100 %



5. Enter total annual number of employees who have provided **direct labor** in the production of RESPECT commodities and/or services. This item refers **only** to RESPECT commodities and/or services.

- (a) Number of employees who are blind      **N/A**
- (b) Number of employees who are blind      **N/A**

6. Enter total annual number of **direct labor** hours that have been provided by employees from item 5. This item refers **only** to RESPECT commodities and/or services. Enter percentages.

- (a) By employees who are blind      Hrs      **N/A** %
- (b) By employees who are not blind      Hrs      **N/A** %
- (c) Total hours of direct labor provided      Hrs      **N/A** %

**DO NOT LEAVE THIS BLANK**

7. Enter total annual number of employees who are blind who have provided **indirect labor** in the production of RESPECT commodities and/or services. If the agency has not employed workers who are blind to provide **indirect labor** during the reporting period, enter zero.      **N/A**

8. Total wages paid to employees who are blind for direct labor performed in the commodity of RESPECT commodities and/or services \$      **N/A**

9. Average hourly wage paid to employees who are blind for work performed in the production of RESPECT commodities and/or services \$      **N/A**

- (a) Highest hourly wage rate paid to employees who are blind for work performed in the production of RESPECT commodities and/or services      **N/A**
- (b) Lowest hourly wage rate paid to employees who are blind for work performed in the production of RESPECT commodities and/or services      **N/A**

10. The following items refer to total payroll taxes and total fringe benefits paid to employees who are blind that were or are employed in the production of RESPECT commodities and/or services during the reporting period.

- (a) FICA \$      **N/A**
- (b) Federal Unemployment Insurance \$      **N/A**
- (c) State Unemployment Insurance \$      **N/A**
- (d) Employee's Compensation Insurance \$      **N/A**
- (e) Life Insurance \$      **N/A**



(f)	Disability Insurance	\$ <u>    N/A    </u>
(g)	Health Insurance	\$ <u>    N/A    </u>
(h)	Sick Leave	\$ <u>    N/A    </u>
(i)	Annual Leave	\$ <u>    N/A    </u>
(j)	Holiday Pay	\$ <u>    N/A    </u>
(k)	Employer Contribution to Retirement Plans	\$ <u>    N/A    </u>
(l)	Number of employees who are blind that were or are employed in the production of RESPECT commodities and/or services during the reporting period that receive(d) one or more of the benefits listed above.	<u>    N/A    </u>

This section refers to blind employees who were employed in the production of RESPECT commodities and/or services.

- 11. Number who previously performed direct labor and were transferred to an indirect labor position with the agency     N/A
- 12. Number placed in outside (non-agency) unsubsidized competitive employment     N/A
- 13. Number placed in outside (non-agency) supported or subsidized employment     N/A
- 14. Number employed by agency for the first time     N/A

For the purposes of qualifying for participation in the program, agencies **MUST** include hours of employment provided by blind employees who are employed in supported employment and who are not directly employed by the agency. Documentation must be available at the agency that specifies support provided and hours worked by the above employees.

- 15. This item includes employees who have received supported employment services from the agency but are not directly employed by the agency. Such employees must have received direct and continued support services by the agency during the reporting period.
  - (a) Number of employees who are blind who received supported employment services \_\_\_\_\_
  - (b) Number of hours of supported employment worked by the above employees \_\_\_\_\_

**DO NOT COMPLETE THIS ITEM. TO BE COMPLETED BY CNA STAFF:**

- 16. Recalculation of direct labor ratio Item 4(a) to include supported employment: \_\_\_\_\_



Carefully read the following to ensure the agency is in compliance with the following listed requirements, Chapter 413, Sections 413.032-413.037, Florida Statutes, and Rule 60E-1, Florida Administrative Code.

**I certify that:**

- (a) The Direct labor reported for employees meet the definition of blind as defined below:  
  
Blind means an individual having central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.
- (b) The majority of direct labor hours provided in the production of each RESPECT commodity and each RESPECT service contract were provided by employees who are blind.
- (c) There is a file for each individual who is blind which includes reports of pre-admission evaluation and annual re-evaluations of the individual's capability for normal competitive employment prepared by a person or persons qualified by training and experience.
- (d) There is an ongoing placement program that includes staff assigned evaluation duties and liaison responsibilities with appropriate community services, such as the State Division of Blind Services, and others. Those individuals whose most recent evaluation show them to be capable of normal competitive employment have been referred for employment service, and are listed with one or more of the services.
- (e) There is a file for each individual who is blind which includes a written report prepared by a licensed physician, reflecting the nature of the handicap that causes such employee to qualify as blind; or a statement from one of the following state or federal agencies indicating that the individual has been determined, according to the criteria provided by section 413.033, Florida Statutes, as being blind and eligible for services by the agency:

Division of Vocational Rehabilitation, Department of Education, Social Security Administration



PLEASE CHECK STATEMENTS BELOW AS APPROPRIATE

- Attached is a copy of my agency's U.S. Department of Labor Certificate Authorizing Special Minimum Wage Rates.
Attached is a written statement, on my agency letterhead and signed by my Agency Executive, stating that any future employees who will perform work to produce commodities and/or services for the RESPECT program will earn Florida minimum wage or above.

An Officer of the Board AND an Agency Executive must sign this form.

Signature-Officer of the Board

Signature-Agency Executive

Authorized Signature
Print Name
Title
Date

Authorized Signature
Print Name
Title
Date

Form prepared by: (Please print or type)

Phone number: (Please print or type) E-mail address: (Please print or type)

Accepted by: (RESPECT of Florida, Executive Director) Date:

Accepted by: (FARF/RESPECT, President and CEO) Date:

Accepted by: (DMS Representative) Date:

## CHAPTER 60E-1 FLORIDA ADMINISTRATIVE CODE

60E-1.001	Definitions
60E-1.003	Central, Non-Profit Agency
60E-1.004	Workshops
60E-1.005	Procurement Requirements and Procedures

### **60E-1.001 Definitions.**

- (1) CNA – means the central, nonprofit agency authorized under Section 413.035(1), F.S., to facilitate the allocation of orders as specified therein.
- (2) Department – means the Florida Department of Management Services.
- (3) Purchasing Office – means a state office, including the office of any political subdivisions, such as a county, municipality, or school district, that places orders for the procurement of any commodity or service.
- (4) Employment Centers – means a workshop for the blind or other severely handicapped employee as used in Chapter 413, F.S., that is geographically located in the State of Florida.

*Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(2), (3)(c), (6), 413.034, 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.01, Amended 2-22-89, Formerly 13G-1.001, Amended 12-31-95, 10-22-06.*

### **60E-1.003 Central, Non-Profit Agency (“CNA”).**

- (1) By way of competitive solicitation conducted as prescribed in Chapter 287, F.S., a CNA may be designated to represent Employment Centers for the blind and other severely handicapped in facilitating the allocation of orders by purchasing offices.
- (2) The following shall be responsibilities of the CNA:
  - (a) Assist Employment Centers by facilitating the allocation of orders among Employment Centers.
  - (b) Evaluate the ability of Employment Centers to provide the commodities or services they offer and advise the Department of its findings.
  - (c) Based on the cost to the Employment Centers, provide the Department with its current recommended prices for suitable commodities or services for procurement from its Employment Centers.
  - (d) Maintain an internet website providing, at a minimum, a listing of its network of Employment Centers and a listing of all commodities and services offered by each Employment Center. The CNA’s website can be found at [www.respectofflorida.org](http://www.respectofflorida.org)
  - (e) Maintain all necessary records and data on its Employment Centers to enable the Department to properly review and audit all Employment Center purchase activities.
  - (f) Monitor the Employment Centers and advise the Department of any concerns the CNA may have regarding an Employment Center’s ability to provide the commodities or services they offer.
  - (g) As market conditions change, recommend to the Department price changes for commodities or services provided by its Employment Centers and provide justification for the recommended change(s).
  - (h) Provide the Department with full and complete access to all purchasing office records as required by the Department.
  - (i) Make commodities and services offered by its Employment Centers available to eligible users through the MyFloridaMarketPlace procurement system.
- (3) The CNA shall not engage in the following actions –
  - (a) Enter into nondisclosure agreements or contracts which prohibit employees or associates of the CNA from meeting with, discussing or providing information requested by the Department or its authorized representatives.
  - (b) Require that Employment Centers join or become a member of any industry or trade association as a condition of being part of the CNA’s network of Employment Centers.



- (4) Assignment of commodity or service:
  - (a) Any Employment Center may, in writing to the CNA, propose to have the Employment Center assigned to the procurement list to provide a particular commodity or service. Proposals for addition to the procurement list shall at a minimum: clearly identify the commodity or service the Employment Center proposes to offer; include a cost proposal for the offered commodity or service; and specify why it would be in the state's best interest to assign the commodity or service to the Employment Center.
  - (b) Subject to approval by the Department, the CNA shall assign commodities or services to Employment Centers based on the ability of the Employment Centers to produce the commodity or provide the service.
  - (c) The Employment Center assigned by the Department to provide a particular commodity or service shall be placed on the procurement list within 60 days after it is assigned to make available the commodities or services it offers for purchase by purchasing offices.
  - (d) If the Department determines that an Employment Center cannot provide the commodities or services assigned, the Department may reassign the commodity or service to another Employment Center capable of providing the commodity or service.
- (4) Distribution of orders – The CNA shall allocate orders from purchasing offices only to Employment Centers which the Department has assigned to produce the specific commodity or to perform the particular service. When the Department has assigned two or more Employment Centers to produce a specific commodity, or perform a particular service, the CNA shall allocate orders among those Employment Centers in a fair and equitable manner.
- (5) Priority over correctional work program – When purchasing offices buy any commodity or service pursuant to the Act, priority shall be given to the commodities and services designated by the Department and offered by Employment Centers over any requirement to purchase from the Corporation operating the correctional work programs under Chapter 946, F.S., unless such priority is waived by the Department through the CNA.
- (6) Waiver of priority – Within thirty (30) days after notification by the Corporation operating the correctional work programs that the Corporation has proposed a commodity or service to be produced by correctional work programs and offered for purchase to purchasing offices, the Department shall notify the Corporation and the CNA of its intention to exercise or waive the priority on the proposed commodity or service. Waiver of priority shall occur only when determined by the Department that such waiver will provide the best value to the state.
  - (a) The Corporation operating the correctional work programs need not request waiver of priority when a proposed commodity change only involves a change of color or size of an item which is part of a sequence of identical items and is currently provided by the correctional work programs under an existing contract.
  - (b) Priority may be exercised by the Department, through the CNA, if a proposed or similar commodity or service is currently on the Department's procurement list or if a qualified Employment Center is in the process of adding a same or similar commodity or service to the Department's procurement list. Addition of a same or similar commodity or service to the procurement list shall be done in accordance with the process described in subsection 60A-1.003(4), F.A.C.

*Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(3), (4), 413.035, 413.036 FS. History--New 10-12-81, Formerly 13G-1.03, Amended 2-22-89, Formerly 13G-1.003, Amended 12-31-95, 10-22-06.*

#### **60E-1.004 Employment Centers.**

- (1) Procedures for qualification of Employment Centers:
  - (a) To qualify for participation under the Act, an Employment Center must:
    - 1. Be certified as a qualified agency for the blind or other severely handicapped as provided in

Section 413.033, F.S.; and

2. Apply to the CNA to provide the commodities or contractual services under the Act. The application shall be standardized in form, created and furnished by the CNA, and shall be subject to approval by the Department before used.
  - (b) The Department shall review the documents submitted and determine whether the Employment Center is eligible to participate under the Act.
- (2) Responsibilities:
- Each Employment Center participating under the Act shall:
- (a) Maintain its status as a qualified nonprofit agency as defined in Section 413.033, F.S., while providing commodities or contractual services as an Employment Center;
  - (b) Furnish commodities or services in accordance with Purchase Office orders; and
  - (c) Make its records available for inspection at any reasonable time.
  - (d) The CNA shall ensure Employment Centers comply with all governing laws and rules regarding commodities or contractual services offered pursuant to Chapter 413, F.S. Substantial and continuing noncompliance by an Employment Center in complying with all governing laws or rules that relate to the commodities or contractual services they offer shall result in the Employment Center being suspended or removed from the procurement list by the Department.

*Specific Authority 413.035, 413.036 FS. Law Implemented 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.04, 13G-1.004, Amended 12-31-95, 7-9-97, Amended 10-22-06.*

#### **60E-1.005 Procurement Requirements and Procedures.**

- (1) Purchasing offices shall obtain Employment Center commodities and services as designated on the Employment Center procurement list maintained electronically by the CNA.
- (2) Purchases of commodities and services by purchasing offices from the procurement list are exempt from the competitive bidding requirements of Chapter 287, Part I, F.S.
- (3) Allocation and orders:
  - (a) Allocation is the action to be taken by the CNA to designate the Employment Center(s) that will produce definite quantities of commodities or perform specific services upon receipt of an order.
  - (b) Purchase orders for Employment Center commodities or services shall contain for:
    1. Commodities: Name, commodity number, quantity, unit price, and place and time of delivery.
    2. Services: Type and location of service required, latest specification, work to be performed, estimated volume, and time for completion.
  - (c) Purchasing offices shall issue purchase orders providing sufficient time for the CNA to reply, for the order(s) to be placed, and for the Employment Center to produce the commodity or provide the service.
  - (d) If a commodity or service is available from both an Employment Center and under a state term contract, the agency or eligible user may purchase such commodity or service from whichever of the two procurement options provides the best value to the agency or eligible user.
  - (e) The CNA shall make allocations to the appropriate Employment Center upon receipt of an order from the purchasing office.
  - (f) As to commodities or services offered by Employment Centers on the procurement list, the list shall provide for each the amount of lead time necessary for the Employment Center to provide the commodities or complete performance of the services listed. If there are changes in the amount of lead time required to provide a commodity or service, the procurement list shall be duly updated by the CNA.
  - (g) The CNA shall keep the purchasing office informed of any changes in the lead time experienced by its Employment Centers.

- (h) Delays by Employment Centers in providing commodities or services should be immediately reported by the Employment Center to the purchasing office. If the CNA or Employment Center cannot provide the commodities or services within a reasonable time, the purchasing office may proceed to procure those commodities or services from commercial sources. Repeated delays by an Employment Center in providing designated commodities or services will result in the Employment Center being removed from the procurement list by the Department.
- (4) Certification of exceptions – If the CNA, for whatever reason, cannot provide the commodities or services requested from the procurement list via a purchase order, the CNA will so notify the requesting agency or political subdivision, in writing, and the Department of its determination within one week of receiving the purchase order. Thereafter, the purchasing office may procure such commodities or services as provided in Chapter 287, F.S.
- (5) Prices :
  - (a) The prices included in the procurement list are fair market prices established by the Department.
  - (b) Prices for commodities include delivery costs (FOB destination), and include packaging, packing and marking as shown on the procurement list.
  - (c) Price changes for commodities shall apply to all orders placed on or after the effective date of the change.
- (6) Shipping and packing:
  - (a) Commodities shall be shipped freight prepaid (FOB destination). Delivery is accomplished when a shipment is received and accepted by the purchasing agency. Time of delivery is the date the shipment is received.
  - (b) Standard pack information is stated in item descriptions. In ascending order, standard pack is given in multiples of the unit of issue contained within the inner wrap(s) and the outer shipping container pack.
- (7) Payments to be made within thirty (30) days – Payments for commodities or services of the blind or other severely handicapped shall be made within thirty (30) days after receipt of shipment and a correct invoice or voucher, whichever is later.
- (8) Adjustment and cancellation of orders – When the CNA or an Employment Center fails to comply with the terms of a purchase order, the purchasing office shall make reasonable efforts to negotiate adjustments before taking action to cancel the order. When a purchase order is cancelled for failure to comply with its terms, the CNA shall be notified, and if practicable, requested to reallocate the order. The CNA shall notify the Department of any cancellation of an order and the reason therefor.
- (9) Correspondence and inquiries – Routine correspondence or inquiries by purchasing offices concerning deliveries of commodities being shipped from or performance of services by Employment Centers shall be directed to the CNA.
- (10) Quality of merchandise and services produced or provided by Employment Centers.
  - (a) Commodities furnished under state specification by Employment Centers shall be manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced shall be of the highest quality and equal to similar items available on the commercial market. The agency may, at any reasonable time after delivery, inspect the commodities to assess conformity with state specifications or, if no specification exists, determine whether they are of the highest quality and equal to similar items available on the commercial market.
  - (b) Services provided by blind or other severely handicapped Employment Centers shall be performed in accordance with state specifications and standards. Where no state specification or standard exists, the services shall be performed in a commercially reasonable manner.
- (11) Quality complaints – When the quality of a commodity or service received from Employment Centers is not commercially reasonable or fails to meet state specifications, the purchasing office shall submit the issue to the CNA. If the commodity or service quality issue(s) cannot be resolved by the Employment Center and the CNA, the purchasing office shall notify the Department and the Department will determine whether the

noncompliance warrants removing the Employment Center from the procurement list.

(12) Specification changes –

- (a) Specifications cited in the procurement list may be periodically revised to keep the list current with industry changes and agency needs. The most recent revision of the procurement list shall be maintained on the CNA's website as provided in paragraph 60E-1.003(2)(d), F.A.C., above. Upon request by the CNA, the Department shall provide the CNA with the latest applicable commodity or service specification.
- (b) Determinations regarding creation of new commodity numbers shall be recommended by the CNA to the Department. The Department shall be responsible for determining whether adding the new commodity number is necessary or if the commodity already falls under an existing number. If the Department determines that assignment of a new commodity number is warranted, it shall assign such number and notify the CNA of such designation, and the CNA shall, in turn, incorporate such change in its listed commodities.

(13) Deletion of items from the Procurement List –

- (a) When the CNA determines that deletion of a commodity or service from its procurement list is warranted, it shall notify the Department and coordinate such deletion with the Department.
- (b) Upon deletion of a commodity from the procurement list, Employment Centers will be required to complete production on of any outstanding orders for commodities unless it is determined by the purchasing office issuing an order to be cost effective to release the Employment Center from having to satisfy its obligation under the order.
- (c) For services currently being provided, the CNA shall notify both the Department and corresponding purchasing office of its intent to discontinue performance of the services at least 90 days in advance of the date the CNA will remove the service from the procurement list.
- (d) The Department may remove an item from the procurement list without a request from the CNA if the Department determines that none of the Employment Centers participating in the program are capable of providing the commodity or service.

*Specific Authority 413.035, 413.036 FS. Law Implemented 413.035, 413.036 FS. History—New 10-12-81, Formerly 13G-1.05, Amended 2-22-89, Formerly 13G-1.005, Amended 12-31-95, 10-22-06.*

## FLORIDA STATUTES (413.032-413.037)

**413.032 Purpose.**—The purpose of this act is to further the policy of the state to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful, productive, and gainful employment by assuring an expanded and constant market for their commodities and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and need for costly institutionalization.

**History.**—s. 1, ch. 74-236; s. 4, ch. 78-323; ss. 6, 7, ch. 81-11; ss. 1, 4, ch. 82-46; ss. 3, 4, ch. 88-37; s. 5, ch. 91-429.  
413.033

**Definitions.**—As used in ss. 413.032-413.037:

- (1) “Blind” means an individual having central visual acuity of 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.
- (2) “Other severely handicapped” and “severely handicapped individuals” mean an individual or class of individuals under a physical or mental disability other than blindness, which, according to criteria established by the department, after consultation with appropriate entities of the state and taking into account the views of nongovernmental entities representing the handicapped, constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.
- (3) “Qualified nonprofit agency for the blind” means an agency:
  - (a) Organized under the laws of the United States or of this state, operated in the interest of blind individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;
  - (b) Which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor of the United States;
  - (c) Which, in the production of commodities and the provision of services, whether or not the commodities or services are procured under ss. 413.032-413.037, during the fiscal year employs blind individuals for not less than 75 percent of the employee-hours of direct labor required for the production or provision of the commodities or services; and
  - (d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services under the provisions of chapter 496.
- (4) “Qualified nonprofit agency for other severely handicapped” means an agency:
  - (a) Organized under the laws of the United States or of this state, operated in the interest of severely handicapped individuals who are not blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;
  - (b) Which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor of the United States;
  - (c) Which, in the production of commodities and in the provision of services, whether or not the commodities or services are procured under ss. 413.032-413.037, during the fiscal year employs blind or other severely handicapped individuals for not less than 75 percent of the employee-hours of direct labor required for the production or provision of the commodities or services; and
  - (d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services under the provisions of chapter 496.
- (5) “Direct labor” includes all work required for preparation, processing, and packing, but not supervision, administration, inspection, and shipping.
- (6) “Agency” includes any political subdivision of the state having its own purchasing agency, such as a county, municipality, school district, or other public body, that is supported in whole or in part by funds appropriated by the Legislature.

**History.**—s. 2, ch. 74-236; s. 4, ch. 78-323; ss. 1, 6, 7, ch. 81-11; ss. 1, 4, ch. 82-46; ss. 3, 4, ch. 88-37; s. 5, ch. 91-429; s. 8, ch. 97-98; s. 53, ch. 97-103; s. 38, ch. 2002-207.

**413.035 Duties and powers of the Department.—**

(1) It shall be the duty of the department to determine the market price of all commodities and services offered for sale to the various agencies of the state by any qualified nonprofit agency for the blind or other severely handicapped. The price shall recover for the nonprofit agency the cost of raw materials, labor, overhead, and delivery, but without profit, and shall be revised from time to time in accordance with changing cost factors. The department shall make such rules and regulations regarding specifications, time of delivery, and assignment of commodities and services to be supplied by nonprofit agencies for the blind or by agencies for the other severely handicapped, with priority for assignment of commodities to agencies for the blind, authorization of a central nonprofit agency to facilitate the allocation of orders among qualified nonprofit agencies for the blind, authorization of a central nonprofit agency to facilitate the allocation of orders among qualified nonprofit agencies for other severely handicapped, and other relevant matters of procedure as shall be necessary to carry out the purposes of this act. The department shall authorize the purchase of commodities and services elsewhere when requisitions cannot reasonably be complied with through the nonprofit agencies for the blind and other severely handicapped.

(2) The department shall establish and publish a list of commodities and services provided by any qualified nonprofit agency for the blind and any nonprofit agency for the other severely handicapped, which the department determines are suitable for procurement by agencies of the state pursuant to this act. This procurement list and revision thereof shall be distributed to all purchasing officers of the state and its political subdivisions. All commodities offered for purchase to a state agency by a qualified nonprofit agency shall have significant value added by blind or severely handicapped employees, as determined by the department.

**History.**—s. 4, ch. 74-236; s. 1, ch. 77-174; s. 4, ch. 78-323; ss. 3, 6, 7, ch. 81-11; ss. 1, 4, ch. 82-46; ss. 3, 4, ch. 88-37; s. 5, ch. 91-429; s. 39, ch. 2002-207.

**413.036 Procurement of services by agencies; authority of department.—**

(1) If any agency intends to procure any commodity or service on the procurement list, that agency shall, in accordance with rules and regulations of the department, procure such commodity or service at the price established by the department from a qualified nonprofit agency for the blind or for the other severely handicapped if the commodity or service is available within a reasonable delivery time. This act shall not apply in any case in which commodities or services are available for procurement from any agency of the state and procurement therefrom is required under the provision of any law currently in effect. However, this act shall have precedence over any law requiring state agency procurement of commodities or services from any other nonprofit corporation unless such precedence is waived by the department in accordance with its rules.

(2) The provisions of part I of chapter 287 do not apply to any purchase of commodities or contractual services made by any legislative, executive, or judicial agency of the state from a qualified nonprofit agency for the blind or for the other severely handicapped.

(3) If, pursuant to a contract between any legislative, executive, or judicial agency of the state and any private contract vendor, a commodity or service is required by the Department of Management Services or on behalf of any state agency that is included on the procurement list established by the commission pursuant to s. 413.035(2), the contract must contain the following language:

“IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR FOR THE SEVERELY HANDICAPPED THAT IS QUALIFIED PURSUANT TO CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA STATUTES; AND FOR PURPOSES OF THIS CONTRACT THE EMPLOYEE, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY INSOFAR AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE CONCERNED.”

(4) No similar commodity or service of comparable price and quality found necessary for use by any state agency may be purchased from any source other than the nonprofit agency for the blind or for the severely handicapped if the nonprofit agency certifies that the commodity is manufactured or supplied by, or the service is provided by, the blind or the severely handicapped and the commodity or service meets the comparable performance specifications and comparable price and quality requirements as determined by the department or an agency. The purchasing authority of any such state agency may make reasonable determinations of need, price, and quality with reference to commodities or services available from the nonprofit agency.



**History.**—s. 5, ch. 74-236; s. 4, ch. 78-323; ss. 4, 6, 7, ch. 81-11; ss. 1, 4, ch. 82-46; ss. 2, 3, 4, ch. 88-37; s. 5, ch. 91-429; s. 40, ch. 2002-207.

**413.037 Cooperation with department required; duties of state agencies.—**

(1) In furtherance of the purposes of this act and in order to contribute to the economy of state government, it is the intent of the Legislature that there be close cooperation between the department and any agency of the state from which procurement of commodities or services is required under the provision of any law currently in effect. The department and any such agency of the state are authorized to enter into such contractual agreements, cooperative working relationships, or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this act and any other law requiring procurement of commodities or services from any agency of the state.

(2) The department may secure directly from any agency of the state information necessary to enable it to carry out this act. Upon request of the department, the head of the agency shall furnish such information to the department.

(3) Space shall be set aside in the State Capitol for the purpose of exhibiting commodities produced by clients of rehabilitation-oriented agencies of the state. **History.**—ss. 6, 8, ch. 74-236; s. 4, ch. 78-323; ss. 5, 6, 7, ch. 81-11; ss. 1, 4, ch. 82-46; ss. 3, 4, ch. 88-37; s. 5, ch. 91-429; s. 55, ch. 97-103; s. 41, ch. 2002-207.



**RESPECT OF FLORIDA  
ANNUAL CERTIFICATION FOR  
QUALIFIED NONPROFIT AGENCY FOR THE BLIND**

**DEFINITIONS**

**Direct Labor**

All direct work that includes actual preparation, processing, assembly, or packaging of commercial commodities or direct work that includes the actual performance of commercial services.

**Indirect Labor**

All work indirectly related to the production or provision of commercial commodities or services. This would include supervision, administration, inspection, and shipping.

**Blind**

An individual having central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.:

**The foregoing represents examples only, and should not be considered exclusive. (Chapter 60E-1, Florida Administrative Code)**

**Fringe Benefits (included in wages)**

Employee benefits such as FICA, sick leave, annual leave, and paid holidays which are included in wages.

**Fringe Benefits (not included in wages)**

Employee benefits such as health insurance, disability insurance, retirement, and unemployment insurance not included in wages.





**2016-2017 Employment Center  
Current Contact Information**

Name of Agency: \_\_\_\_\_

Mailing address (including zip code): \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email of Employment Center: \_\_\_\_\_

Website of Employment Center: \_\_\_\_\_

Physical address (if different than above): \_\_\_\_\_

\_\_\_\_\_

Commodity(s) produced: \_\_\_\_\_

\_\_\_\_\_

**Commodities Contact:**

Name (please print): \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Service(s) offered: \_\_\_\_\_

\_\_\_\_\_

**Services Contact:**

Name (please print): \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Executive Director or President**

Name (please print): \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_



**Accounting Department Contact:**

Name (*please print*): \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Insurance Certificate Contact:**

Name (*please print*): \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Contract Renewal Contact:**

Name (*please print*): \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_



## Department of Labor Adherence

Safety of staff working on RESPECT Commodity or Service contracts is a preeminent concern. Safety and performance of the service contract staff from our certified Employment Center that is subject to continuous monitoring and inspection. These independent inspections are consistently performed by RESPECT Project Managers, Contract Managers, as well as state agency representatives.

This statement attests that my service sites have documentable safety protocols in place to protect the staff from injury relevant to the duties being performed. For those contracts using chemicals, Safety Data Sheets (SDSs) are located in an area for all to access to communicate the hazards of hazardous chemical products. Further protections include goggles, respirators and gloves as well as non-blind supervision of blind staff. For those services providing roadside services such as a mowing or litter pick-up contract, all supervisors must have Intermediate or Advances Maintenance of Traffic (MOT) certification which ensures proper placement of signage to alert motorist of employees being present and usage of DOT approved brightly covered vests for those performing the work.

**Our Employment Center providing the production of Commodities or Services on behalf of RESPECT of Florida, hereby acknowledges and certifies that we will adhere to all U.S. Department of Labor/Occupational Safety & Health Administration regulations.**

Response:      \_\_\_\_\_YES      \_\_\_\_\_NO

Approved by (Agency Executive): \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_