# PROFESSIONAL/TECHNICALCONTRACT CERTIFICATION FORM

## SECTION 1 – INSTRUCTIONS

**Complete form for:**

* Professional/Technical Service Contracts and Joint Powers Agreements
	+ In excess of $25,000 (Minn. Stat. 16C.08)
* Single Source Contracts

**Checklist if not using SWIFT:**

[ ]  2 copies of this Certification Form

[ ]  1 copy of your final RFP

[ ]  If contracts are estimated to be over $50,000, submit a copy of the State Register ad

[ ]  For solicitations under $50,000, a posting on the OSP webpage will be done

[ ]  Submit all to Department of Administration, Office of State Procurement, Professional and Technical Service Contracts, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155

[ ]  If applicable, provide documentation for non-standard terms and conditions

**Checklist if using SWIFT:**

[ ]  Upload completed Certification Form to SWIFT

[ ]  Attach the final RFP and any document for non-standard terms and conditions

## SECTION 2 - BACKGROUND

Department: Division:

Estimated Contract Value
(original contract period):

$

Estimated Contract Value
(including extension options):

$

Source of Funds
(indicate whether State or Federal):

**\*Original Contract Period: From: To: With option to extend add’l yr. periods**

**\*Note:** The combined contract and amendment cannot exceed five years, unless otherwise provided for by law (Minn. Stat. 16C.06 Subd. 3b(b). Also, the term of the original contract must not exceed two years unless the commissioner determines that a longer duration is in the best interest of the state. If you are requesting that the original contract length be longer than two years, please write a justification below:

**Agency certifies that Minn. Stat. §15.061 and/or [list additional authority if applicable] allows agency to enter into this professional/technical service contract.** *(Please check with agency attorney general staff if you have questions.)*

**Nature of Contract:** (Include a brief description of the service. If IT-related goods are anticipated as incidental to the contract, detail anticipated products, quantities and expected cost.)

**Product or Result:** (Give details.)

**In accordance with Minn. Stat. §16C.08, subd. 3, provide the following:** (attach additional pages if necessary)

1. Describe how the proposed contract is necessary to achieve the agency’s statutory responsibilities;
2. Describe your plan to notify firms or individuals who may be available to perform the services called for in the solicitation other than advertising in the State Register, on the OSP website, or in SWIFT; and
3. Describe the performance measures or other tools that will be used to monitor and evaluate contract performance and how the results of the work will be used.

## SECTION 3 – VENDOR SELECTION METHOD

**Complete ONE of the following boxes to indicate how the vendor will be selected for the proposed contract:**

### A. Public Solicitation

Executive Order 05-07 requires that “all vendor selection evaluations conducted under Minnesota’s “best value” statutes must consider price to be of significant importance…”

Indicate weight of price % (at least 30% of the evaluation points)

[ ]  EXCEPTION: I am requesting an exception to the State’s guideline. A memo justifying the request is attached.

**COMPLETE SECTION 4, IF APPLICABLE.**

### B. Single Source Request

Name of Contractor:

[ ]  Attach a justification form.
A sample can be found at:. <https://osp.admin.mn.gov/sites/osp/files/pdf/singlesourcerequestform.pdf>

If the contract is for IT-related services (or incidental goods) in excess of $25,000, select an option below:

[ ]  Services and products will meet the Minnesota IT Accessibility Standards

[ ]  Services/products provided by the contractor will NOT meet the Minnesota IT Accessibility Standards. (If so, you must complete “STEP TWO” below.)

**SKIP SECTION 4. IF ACCESSIBILITY APPLICABLE, PLEASE INCLUDE IN CONTRACT.**

### C. Joint Powers Agreement (Minn. Stat. §471.59, subd. 1 for Professional/Technical Services)

Name of Governmental Unit

1) Explain how/why this governmental unit was selected.

2) Can this work be performed by any other governmental unit?

**SKIP SECTION 4. IF ACCESSIBILITY APPLICABLE, PLEASE INCLUDE IN CONTRACT.**

## SECTION 4 – ACCESSIBILITY

(Complete for all solicitations involving IT services (and incidental goods) in excess of $25,000)

Information on the Minnesota IT Accessibility Standards can be found at: <https://osp.admin.mn.gov/sites/osp/files/pdf/accessibility_standard.pdf>

### STEP ONE: Accessibility Standards Verification:

Check one or both. If not applicable, proceed to Step Two.

[ ]  Applicable WCAG 2.0 Level AA requirements (WCAG 2.0) are included in the solicitation document and will be evaluated utilizing the procurement process checked below in Step Three.

[ ]  Applicable 508 (B) Technical Standards, (C) Functional Performance Criteria, and (D) Information, Documentation, and Support Requirements (Section 508) are included in the solicitation document and will be evaluated utilizing the procurement process checked below in Step Three.

### STEP TWO: Accessibility Exception Request:

If Step One is not applicable, check one or both below and indicate the appropriate exception category. **Attach a memo** detailing the rationale supporting the exception request. (A full description of all exceptions can be found at: <https://osp.admin.mn.gov/sites/osp/files/pdf/accexceptions.pdf>

[ ]  Applicable WCAG 2.0 Level AA requirements are NOT included; and/or

[ ]  Applicable 508 (B) Technical Standards, (C) Functional Performance Criteria, and (D) Information, Documentation, and Support Requirements are NOT included because:

#### Exception category *(Check all that apply):*

[ ]  National/State Security

[ ]  Service Personnel Space

[ ]  Infrastructure Hardware

[ ]  Fundamental Alteration

[ ]  Undue Burden (must be accompanied by the form at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fosp.admin.mn.gov%2Fsites%2Fosp%2Ffiles%2Fpdf%2Faccdetermination.doc&wdOrigin=BROWSELINK>

### STEP THREE: Process for Evaluating Accessibility

Indicate how your RFP will be structured and which process you will use to evaluate accessibility.

(For more information, including the Accessibility Matrix, go to http://www.mmd.admin.state.mn.us/pdf/AccMatrix.pdf and http://www.mmd.admin.state.mn.us/pdf/AccSupplement.pdf.)

[ ]  Full Accessibility is a pass/fail requirement

[ ]  Partial Accessibility is a pass/fail requirement

[ ]  Full or Partial Accessibility is a pass/fail requirement, but Dual Responses are considered

[ ]  Full or Partial Accessibility is a pass/fail requirement and is further scored as a % of points

[ ]  Accessibility is scored as a % of points

[ ]  Proposals are short-listed prior to scoring accessibility as a % of points

[ ]  Accessibility is not considered due to an exception indicated above

## SECTION 5 – AGENCY CERTIFICATIONS Pursuant to Minn. Stat. 16C.08, I certify:

1. *No state* ***agency*** *employee is (a) able and (b) available to perform the services called for by the contract*
	1. ***How did you reach this conclusion:***
	2. ***List other methods considered for accomplishing the work.*** *[Example: In-house, other divisions or offices, other state agencies.]*
2. *Unless otherwise authorized by law, a competitive proposal process shall be used to acquire professional or technical services. A competitive bidding process shall not be utilized to acquire professional or technical services.*
3. *The following person(s) has/have been assigned to manage the contract as well as monitor and act as liaison for the contract at (telephone number).*
4. *The agency shall not allow a contractor to begin work before the contract is fully executed unless an exception under Minn. Stat. §16C.05, subd. 2a has been granted by the commissioner and funds are fully encumbered.*
5. *In the event the results of the contract work will be carried out or continued by state employees upon completion of the contract, the contractor is required to include state employees in development and training, to the extent necessary to ensure that after completion of the contract, state employees can perform any ongoing work related to the same function.*
6. *The contractor and agents must not be employees of the state.*
7. *The terms of the contract must permit the commissioner to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the commissioner determines that further performance under the contract would not serve agency purposes.*
8. *The agency shall not contract out its previously eliminated jobs for four years without first considering the same former employees who are on the seniority unit layoff list who meet the minimum qualifications determined by the agency.*

[ ]  *The seniority unit layoff list was reviewed on (date, within past three months);* ***OR***

[ ]  *Not applicable. The agency does not have an active seniority unit layoff list.*

1. *The terms of a contract must provide that no more than 90 percent of the amount due under the contract may be paid until the final product has been reviewed by the head of the agency entering into the contract and the head of the agency has certified that the contractor has satisfactorily fulfilled the terms of the contract, unless specifically excluded or modified in writing by the commissioner. This clause does not apply to contracts for professional services as defined in sections 326.02 to 326.15.*

*Reasonable efforts will be made to avoid conflicts of interest throughout the selection and performance of this contract. All potential or actual conflicts of interest will be reported to OSP.*

***The following three Internal Approval signatures are for agency use; they are not required by OSP.***

Activity Manager Date

Division Director Date

Assistant Commissioner (program) Date

***Agency Signature (required)***

Authorized Certification/Officer authorized to sign contract Date

***MNIT signature (required for all IT related services)***

MNIT Approval Date

***Department of Administration Signature (required)***

Office of State Procurement/Professional Technical Approval Date