PROFESSIONAL/TECHNICAL
WORK ORDER CERTIFICATION FORM

SECTION 1 – INSTRUCTIONS

Complete form for:

- Work Order Contracts
  - In excess of $25,000 (Minn. Stat. 16C.08)

Checklist if not using SWIFT:

☐ TWO (2) copies of this Certification Form
☐ Master Contract Certification Form
☐ RFP
☐ If vendor is known, the executed Master Contract with vendor
☐ 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

Checklist if using SWIFT:

☐ Upload completed Certification Form to SWIFT
☐ Attach the documents from the above checklist into SWIFT Event

NOTE: No work may begin before funds are encumbered and the work order contract is fully executed.

SECTION 2 – BACKGROUND

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<tr>
<th>Department</th>
<th>Division</th>
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<tr>
<th>Estimated Cost:</th>
<th>Source of Funds</th>
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*Original Contract Period: From: To: With option to extend ____ add’l ___ yr. periods

*Note: According to Minn. Stat. 16C.06 Subd. 3b(b), the combined contract and amendment cannot exceed five years, unless otherwise provided for by law. 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:

*The total work order contract term cannot survive the expiration date of the Master Contract.

Agency certifies that Minn. Stat. ________ allows agency to enter into this professional/technical service contract.
(Please check with agency attorney general staff if you have questions.)

Nature of Work Order Contract: (Include a brief description of the service.)

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 work order contract is necessary to achieve the agency’s statutory responsibilities;

2) How will the contractor be selected from the list of master contract holders? (Check one)
   ___ Preapproved master contract rotation procedures
   ___ Other – provide detail:

3) Describe the performance measures or other tools that will be used to monitor and evaluate master contractor performance and how the results of the work will be used.

SECTION 3 – 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**
   
   A. **How did you reach this conclusion:**

   B. **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. **A contract shall not establish an employment relationship between the state or the agency and any persons performing under the contract.**

6. **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.**

7. **The contractor and agents must not be employees of the state.**

8. **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.**

9. **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 or no one has been laid off from the unit in the last four years.

10. **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.

Rev 7/14

OSP Cert #__________
<table>
<thead>
<tr>
<th>Activity Manager:</th>
<th>Date:</th>
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<tr>
<td>Division Director:</td>
<td>Date:</td>
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<td>Assistant Commissioner (program):</td>
<td>Date:</td>
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Agency signature (required)

| Authorized Certification/Officer authorized to sign contracts: | Date: |

Department of Administration signature (required)

| Office of State Procurement/Professional Technical Approval: | Date: |