

Contracts “101” Training Basics for Beginners

Evolving Process

Please note: Contracts requirements are a work in progress. The DPH Contracts Office must be responsive to updates within the Department, fiscal reporting, and business climate.

This training does not preclude additional requirements and/or changes to the way we do business.

Training Goals

- Familiarize new Contract Administrators with DHHS performance-based contracting terminology, policies and procedures.
- Establish a comfort level for all new Contract Administrators when building a contract package.
- Provide new Contract Administrators the necessary tools to succeed in the procurement and contracting process.

DPH Employee Toolkit

Many Contracts / HR / Budget resources may be found on the DPH Employee Toolkit:

<http://ncpublichealth.com/employees/>

Acronyms

A list of acronyms used by the DPH Contracts Office is included in your handout and may also be found in the “Contracts Training” Folder on the Contracts Website:

<http://ncpublichealth.com/employees/contracts-forms.htm>

Grants

DPH Grants Management Policy is located on the [DPH Employee Toolkit](#):

Tools – Policies and Procedures – Grants Management

[Grant Application Procedure](#) was updated 5/24/16

A pre-grant application meeting must be held and include the DPH Grants Coordinator and the DPH Budget Officer, as well as a designee from Human Resources, Information Technology, **Contracts**, and Purchasing.

In this meeting, we will discuss the planning for Procurements, Contracts, Agreement Addenda, etc. that will result from your funding.

State Funds and the State Fiscal Year (SFY)

The State Fiscal Year runs from July 1 – June 30. However, the service period is June 1 – May 31.

Use of State Dollars – one penny of State dollars means contract must run on the service period aligned with the SFY (June 1 – May 31).

As a general rule, DPH does not permit Multi-Year Contracts for budgeting reasons.

Federal Funds

Federal awards may be subject to approval by the Joint Legislative Commission on Governmental Operations, known as Gov Ops. Per the 2013 Appropriations Act, S.L. 2013-360 (as amended by S.L. 2013-363).

Office of State Budget and Management must consult with the Commission prior to allowing State agencies to expend grant funds not previously appropriated when:

- a. The grant is for \$2.5 million or more, or
- b. The grant requires State matching funds, or
- c. The grant will be used for a capital project.

Federal Funds

Contracts with 100% Federal funds should run on the Federal budget period.

In nearly all cases, the Notice of Award (NoA) must be received before the Budget Office will sign off on a contract utilizing those funds.

Contract Administrators should be familiar with the terms and requirements of their grant.

Contracts for Services

Program-Related Service types (typical):

Direct Medical Service Program Administration/Support
Direct Service Program Evaluation
Training (Community)

- Typically procured through an RFA process.
- May be Financial Assistance or Purchase of Service

Non-Program Related Operation service types:

Administration Legal Services
Consulting Marketing/Media
IT/ IT Maintenance Self-Training

- Typically procured through an IFB / RFP / RFQ process.
- Purchase of Service

Audit Determination

Contracts are classified as either Financial Assistance (FA) or Purchase of Service (POS).

FA: the Contractor is a recipient of a grant-in-aid or pass-through funding, and carries out or administers a program. Subject to more oversight & regulatory guidance than POS. Generally, the services are provided in the community.

POS: the Contractor is the recipient of funds in an arrangement for the purchase of goods and/or services. Generally, the Division is the recipient of the good or service like an evaluation or training.

Contract Audit Determination

Use the Audit Determination Worksheet in DHHS Open Window, an Excel version may be located here on the DPH Employee Toolkit:

Policies and Procedures – Grants Management – D. Grant Application Checklists – OW Audit Determination Form

<http://ncpublichealth.com/employees/grants/forms/OW-AuditDetermination.xlsx>

Purchase of Service

Purchase of Service characteristics:

- Contractor is measured against the terms of its contract.
- Goods/Services provided must meet certain specifications and quality standards.
- Contractor generally provides the goods and services within its normal business operations and to many different purchasers.
- Contractor operates in a competitive environment and once a pre-determined unit price has been established in a contract, usually there is no interest by the purchaser in how the vendor expends funds in meeting the vendor's obligations under the terms of the contract.
- In a POS arrangement, the goods or services provided are auxiliary to the operation of the program.
- Contractor would not be subject to meeting program compliance requirements.
- Typically, reimbursement is paid on receipt of accepted deliverables.

Financial Assistance

FA is distinguished from POS by the degree of responsibility assumed to meet the requirements of the program.

Financial Assistance characteristics:

- Contractor receives funding to carry out or administer a program.
- Contractor may be responsible for determining who is eligible for participation in a program by applying pre-determined eligibility requirements.
- Contractor is responsible for making programmatic decisions and its performance is measured against meeting the program objectives.
- There generally is an interest in how program funds are expended.
- Program benefits are being provided to a targeted population identified in the objectives.
- Contractor has the responsibility for adherence to applicable program compliance requirements.
- Contractor may have cost reimbursement contracts/grants (time and materials); however, it is possible for them to have a fee/rate per unit of service arrangement.

Federal Omni-Circular

The Federal Omni-Circular is a document published by the U.S. Office of Management and Budget on 12/26/13, which supersedes and replaces a number of regulatory circulars.

Federal grant awards and cooperative agreements and new funding increments issued on or after 12/26/14 are subject to the Omni-Circular.

- Omni-Circular Section 200.331 requires pass-through entities (DHHS) to honor subrecipients' (Contractors') federally recognized indirect cost rates on FA contracts – applied to the federal funds used in that contract.
- Contractors must submit their Federal Indirect Cost Rate Letter (FNICR) with their budget.
- Where no federal rate exists, Contractors may charge a 10% *de minimis* indirect cost rate with no additional documentation.
- Grant restrictions PREVAIL.
E.g., if your Federal Grant states that indirect cost may not exceed 5%, then the Contractor may not claim more than that regardless of their FNICR or the *de minimis* rate.

How does the indirect cost regulation apply when a subaward uses federal and state/other funds?

- Where a financial assistance award using federal funds also uses state/other funds to meet a federal matching or FFP requirement, the use of non-federal funds must mirror the use of federal funds. The same indirect cost rate applies to the entire award.
- Where a financial assistance award using federal funds also uses state/other funds by choice, not as a matching requirement, the regulation applies only to the federal funds used. The award may apply the subrecipient's federal rate to the federal funds, and a lesser or zero rate to the state/other funds.

- Omni-Circular Section 200.331 also requires every subaward (FA contract) to include specific grant information which will be collected on the Federal Award Worksheet for FA Contracts.
- An FAQ regarding the Omni-Circular may be found on the Open Window Home page under the “New Highlights” section or [click here for the link](#).

Source:

<http://dhhsopenwindow.nc.gov/Documents/Omni-circular%20Questions%20updated%2004%2021%202015.pdf>

Determining the Indirect Cost Rate on FA Contracts

Programs should use the tools provided on the Contract Forms website:

<http://ncpublichealth.com/employees/contracts-forms.htm>

Under the heading, “Omniscircular and Indirect Cost”

- Decision Trees
- Worksheet to provide to awarded grantees

Funding Accounts & Codes

Every “type” of entity has a unique “Requirement Account” where funds are budgeted for contracts:

532XXX is for POS

536XXX is for FA

Center Codes: Fund / RCC / FRC

Each has a specific meaning and is used to track funds. When the incorrect code is used, it takes time and sometimes EXTERNAL approvals to correct.

Work with the Budget Office to validate codes and ensure funds are available prior to submission to COE and the Contracts Office.

Communication is CRITICAL.

Funds must be budgeted in the correct requirement account and center or else require a Budget Revision to correct.

Budget Revisions take time. Work with your Budget Officer to ensure your expectations are realistic.

IT Governance (DIT)

Information Technology Governance Committee (ITGC)

All contracts to develop and/or acquire new technology solutions (i.e., applications, information systems, IT infrastructure, IT services, etc.). The mission of the ITCC is to plan, approve, prioritize and direct DHHS' information technology initiatives to ensure successful and timely implementation of IT Projects, eliminate duplication, gain effectiveness, and mitigate IT risks.

Meets on the third (3rd) Thursday of the month. Policies and forms may be found here: <httpswww2.ncdhhs.govdirmtechlibraryindex.htm#itgb>

Project Management Office (PMO)

Some IT initiatives are designated as “projects” and as such must have a PMP certified IT Project Manager. These projects must be managed in the state’s project management tool, Touchdown.

If you are in the planning phases of an IT project, contact the Director of DPH Information Services to discuss parameters.

Procurement Tools



Request for Information
Request for Proposal
Request for Quote
Request for Application
Waiver of Competition

Request for Information

Request for Proposal

Request for Quote

Request for Application

Waiver of Competition

Request for Information (RFI)

An informal method of soliciting general information to aid in later planning of specification writing.

NO contract results from this process.

RFIs are used to obtain technical information only, not pricing.

Request for Proposal (RFP)

Formal competitive process that includes the posting of the RFP on the Interactive Purchasing System (IPS) that consists of a purchase, description of the time and/or service required, information on quantities, required delivery schedules, terms and conditions, and fixed cost bid.

Offerors have formal protest rights (in accordance with 01 NCAC 05B .1519, the Administrative Rule Governing Award Protests).

Applicants are not usually aware of the award amount.

RFPs are almost always for Purchase of Services contracts with for-profit agencies.

Requires Department approval and oversight.

Request for Quote (RFQ)

Formal procurement requesting pricing (quote) from only one vendor that consists of a purchase, description of the time and/or service required, information on quantities, required delivery schedules, terms and conditions, and fixed cost bid.

RFQs require a Procurement Exception Request (sole source)

Requires Department approval and oversight.

Request for Application (RFA)

Informal competitive process that usually results in the award of more than one contract.

Applicants do not have formal protest rights.

Unlike the RFP, applicants are aware of the total potential award amount and are asked to submit an application that includes a description of services to be performed and a budget narrative of the potential award amount.

RFAs are used when the funding source is acting as flow through for grant funding.

Departmental approval is NOT required.

RFQ vs. RFP vs. RFA

RFQ

- Award amount is unknown.
- One Offeror - One Award
- No formal protest rights.
- Purchase of Service
- Accepted Offer becomes Contract

RFP

- Award amount is unknown.
- Multiple Offerors - One Award
- Offerors have formal protest rights.
- Purchase of Service
- Accepted Offer becomes Contract

RFA

- Applicants are aware of award amount.
- Multiple Applicants - One or More Awards
- No formal protest rights.
- May be FA or POS
- Individual Contracts are generated

Waiver of Competition

Program Services contracts awarded without benefit of competitive bidding (RFA or RFP) are procured through a Waiver of Competition (WOC).

Waivers should be few and far between.

A Sole Source Justification Memo must be submitted to the DPH Contracts Manager before a proposed contract can be processed to insure the waiver is appropriate.

Sole Source contract with governmental entities (UNC System) are exempt from this requirement.

- If you are considering a contract procured through a WOC, you must first write the [Contract Justification Memo](#) and submit it to the Contracts Manager for approval.
- This should occur well in advance of the projected start date in case it is determined that an RFA must be issued.
- Tight turnaround time and/or lack of planning are not acceptable reasons to waive a competitive bidding process.
- Reference the DPH Sole Source and Fringe Directive (dated 8/20/10) [located here](#).

Contract Basics

What is a Contract?

A contract is a legally binding document which creates and defines the obligations and the Terms & Conditions between two or more parties.

Types of Contracts

- Used when contracting with an agency or organization.

Contract for Services

- Used with contracting with a local health department.

Agreement Addenda

- Used when contracting with an individual.

Personal Services Contract

- When DPH is the recipient of funding for services.

Receipt Based Contract

Agreement Addenda

Contracts with the state's Local Health Departments.

Not processed through DHHS Open Window Contracting System

Materials and Guidance available on the DPH Employee Toolkit:

[Administrative Functions – Contracts – Contract Forms](#)

Under Agreement Addendum header

Receipt-Based Contracting

Contracts in which the Division is the recipient of funding for a service we are providing (e.g. death data to the Social Security Administration).

Special Agreements may be MOUs or cooperative agreements with outside entities (e.g. Federal Wildlife Services).

These agreements follow a separate procedure. Contact the DPH Contracts Manager as early in the process as possible for analysis of the project.

Contracts for Services

Contracts developed by the Contract Administrator in which the Division is providing funds for programmatic services.

Includes:

- Contracts with nonprofit and governmental agencies (generated from an RFA or Waiver of Competition)
- Personal Service Contracts
- Agreements: IMOAS and MOAs

Contract Agreements

IMOA

- Agreement with another division/office within DHHS.
- May or may not contain funding.

MOA

- Agreement with any party, outside of DHHS, where:
- No money is exchanged.

UNC IT Contracts

A unique template must be used for all contracts in which any entity within the UNC-System develops an IT solution for DPH. This includes databases.

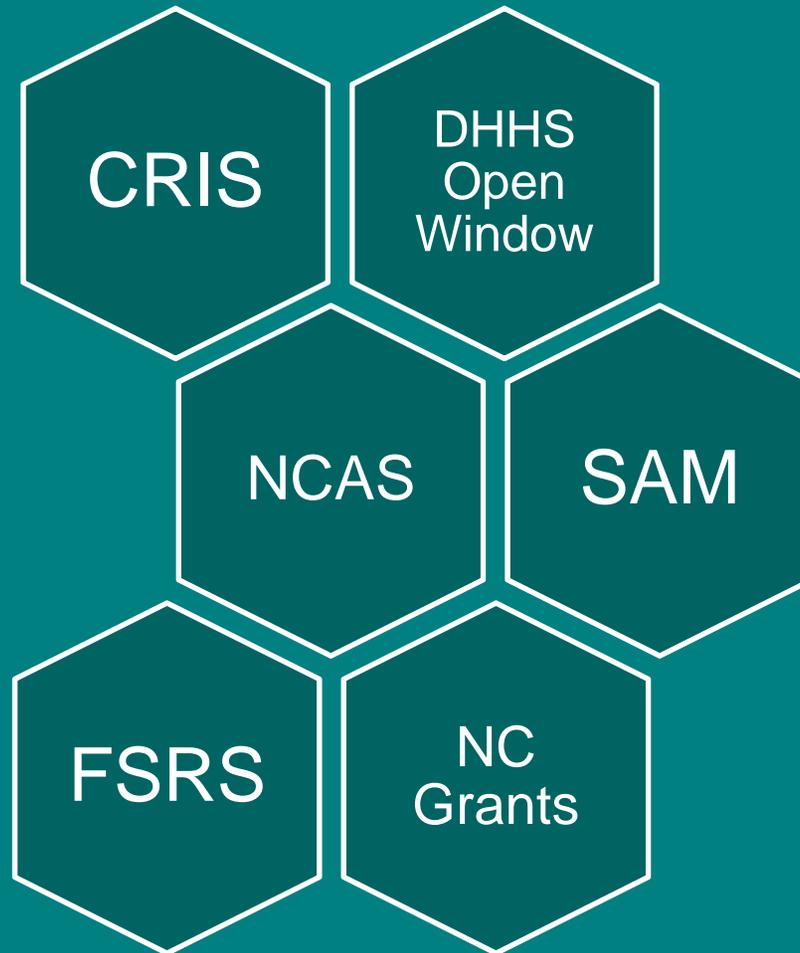
A contract should be started in OW but it is not necessary to enter the Contractor Budget.

Contact your Contracts Team Leader or the DPH Contracts Manager immediately for process direction.

Systems

While each Branch/Office has their own unique systems, there are a number of statewide and federal systems that play a pivotal role in the contracting process.

Contracting Systems



CRIS

- The Community Resource Information System (CRIS) helps local communities in North Carolina obtain information about state government financial assistance and other programs.
- Managed by Office of State Budget and Management (OSBM)
- DPH Encumbrance Officer enters contract information into CRIS.

FSRS

- The FFATA Subaward Reporting System (FSRS) is the federal reporting tool used to capture and report subaward data to meet FFATA reporting requirements.
- DPH is required to file a FFATA sub-award report by the end of the month following the month in which we award any sub-grant greater than or equal to \$25,000.
- A designated Program staff reports this information to FSRS every month based on a report generated by the DPH Contracts Office.

SAM

- The System for Award Management (SAM) federal contractor database incorporates all government contractor information into one system and streamlines the acquisition of grant, loans, contracts and intergovernmental transactions.
- All recipients of federal funding – including sub-awards – must be registered in SAM.

NCAS

- North Carolina Accounting System (NCAS).
- All contracts are encumbered in NCAS by the DPH Encumbrance Officer or DHHS OPCS.
- All expenditures are entered in NCAS by the DHHS Controller's Office.

NC Grants

NC Grants is the State's online grant tracking system for Financial Assistance Contracts with NON-governmental entities.

Funds Expended on statewide FA contracts are downloaded by NCAS and tracked by the Grantee's Fiscal Year. Grantees must submit reports based on how much FA funding they receive from the State.

Effective August 1, 2016, Grantees will no longer upload reports to the NCGrants system.

Per DPH and DHHS Guidance 9/1/16:

Grantees should email their required annual reports to NCGrantsReporting@dhhs.nc.gov

Suspension of Funding List

OSBM produces and distributes a Suspension of Funding List (SOFL) weekly. Any entity named on the SOFL will not receive payment nor can a contract be executed with the named entity.

Check the OSBM Suspension of Funding list prior to submitting any contract or amendment.

The current SOFL is posted on the OSBM website:

<http://www.osbm.nc.gov/management/grants>

Be sure to click on the current SFY.

DHHS Open Window

- Open Window captures important information on all DHHS services, and the grants and contracts that support those services.
- Through Open Window, you will see what services, programs and contracts are provided, how funded; and whether performance is producing results for DHHS customers.
- To request access to Open Window (view or editing rights) follow instructions on DPH Employee Toolkit under “System Access – Open Window”:
<http://ncpublichealth.com/employees/resources-contacts.htm>

- All participants should be an active user in Open Window.
- All users should update their profile to ensure all requested information is complete.
- Prior to the development of contracts, all Contract Administrators/Delegates should:
 - Review the Open Window webinar,
 - Participate in at least one Open Window workgroup, held by Contracts and
 - Be familiar with the Open Window Writing Style Guide:
<https://openwindow.dhhs.state.nc.us/Documents/WritingStyleGuide2010.doc>

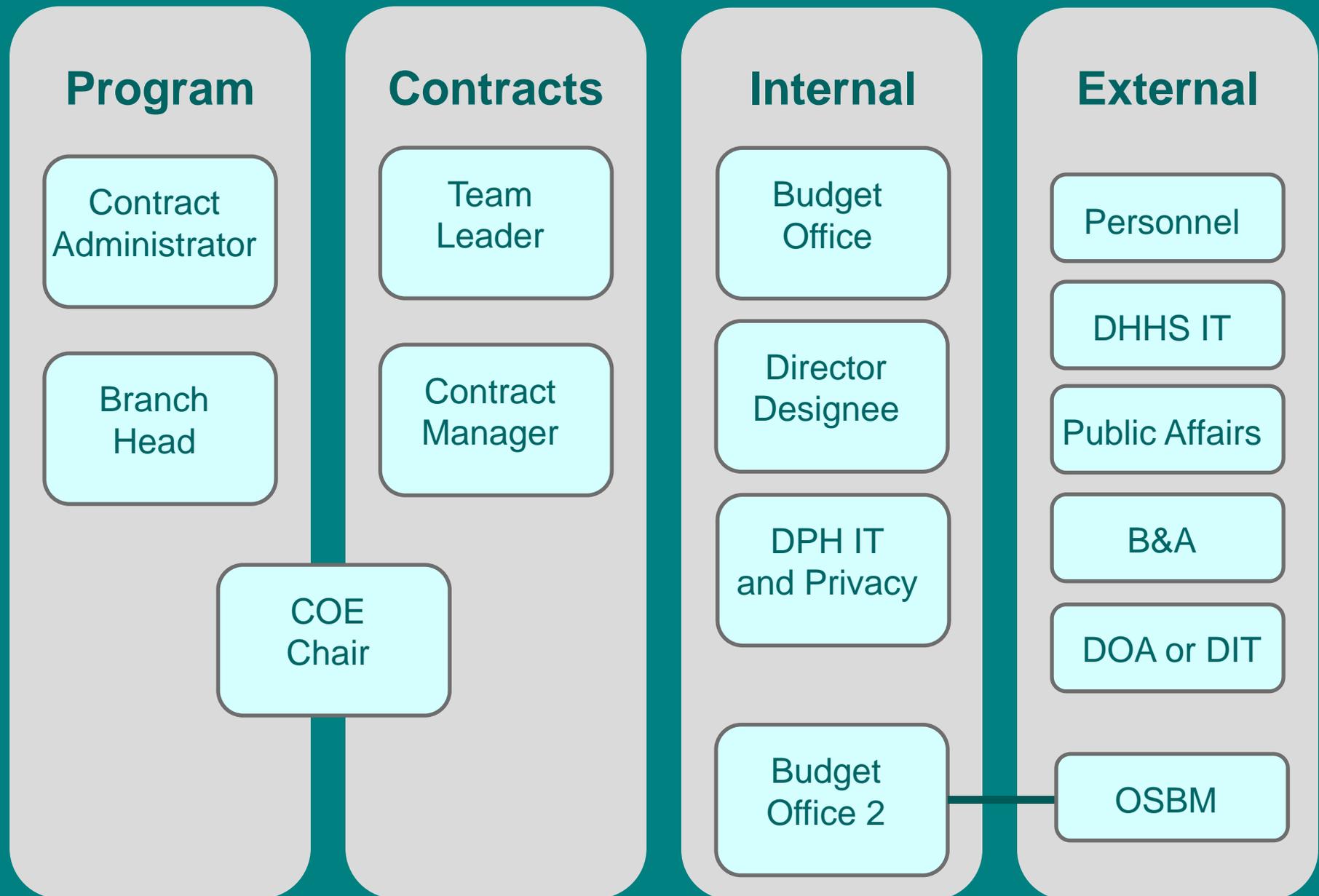
People

Along the contracting process, there are many people who will help you on your way and give feedback, edits, and approvals.

“Internal” – within the Division

“External” – outside of the Division

Contract Approval Flow



Mandatory Internal (DPH) Contract Approvers

- Contracts Administrator
 - Prepares the contract in full, including all required forms.
- Branch Head
 - Verifies the Contract is needed and approves the contract to move forward in the process.
- COE Chair
 - Performs a Quality Assurance check on the contract to ensure changes from COE have been made.
- DPH Contracts Office Team Leader & Manager
 - Ensures contracts follow all procurement and contracting rules, regulations, and processes.
- Budget Business Officer
 - Ensures funds are budgeted appropriately.
- Director/Designee
 - Ensures that all prior approval responsibilities are fulfilled.

SME Internal (DPH) Contract Approvers

- DPH IT Director
 - Must review contracts that include the development of information technology (including data collection systems or database).
- DPH Privacy Officer
 - Must review contracts that include the collection or disbursement of data to ensure regulatory and HIPAA compliance.
- DPH Personnel Manager
 - Must review Personal Services Contracts to ensure that the contract is allowable and that hourly rates are compatible with the State Salary Schedule.

SME External Contract Approvers

- DHHS Information Technology (fka DIRM)

Any contracts that meet the requirements on the Open Window IT Checklist must be sent to DHHS IT for approval. Approval ensures that technical standards and best practices are followed

Review Process includes a core committee review:

- Application Management
- Architecture
- Infrastructure
- Privacy & Security
- Project Management Office

Contract then goes through a 2nd level review.

Contracts that contain IT elements must be very specific in the Scope of Work with regard to where systems are hosted, who owns them, who owns data, is data de-identified, etc.

- Public Affairs

- Must review contracts containing media, advertising, public relations, or associated services, if the amount exceeds \$500
- Excluding items which provide community outreach.

- Budget and Analysis (B&A)

The following must be sent to B&A for review & approval:

- Contracts which exceed approved State rates
- IMOAs
- RFPs and RFQs
- LATE contracts

- Office of Procurement and Contract Services (OPCS)

The following must be sent to OPCS for review & approval:

- Contracts exceeding \$200,000
- ALL Sole Source Purchase of Service contracts (new 2016)
- All RFPs and RFQs

- Department of Administration (DOA)

The following must be sent to DOA for review & approval:

- ALL Sole Source Purchase of Service contracts and procurements with nongovernmental agencies that are not for Direct Medical Services
- All non-IT RFPs and RFQs

- Department of Information Technology (DIT)

The following must be sent to DIT for review & approval:

- ALL Sole Source Purchase of Service contracts and procurements with nongovernmental agencies that are not for Direct Medical Services
- All IT-related RFPs and RFQs

- Attorney General's Office – Legal Review

Contracts equal to or exceeding \$5,000,000 must be sent to Legal for review & approval. Approval assures compliance with North Carolina laws.

Encumbering Funds

- DPH Encumbrance Officer
 - Assigns the NCAS number and verifies Group number for all contracts
 - Encumbers contracts in NCAS
 - Enters data into CRIS and NC Grants
 - Reviews and processes CERs, Code Change Letters, Late Expenditure Reports, and Cash Advances
 - Implements entity legal name changes and/or address changes in NCAS
 - Closes POs in NCAS
 - Serves as the liaison to the DHHS Controller's Office

Contracting with Awarded Entities

- In order to contract with DHHS, contracting agencies must submit legal documents, depending on the type of agency and the type of funding.
- The Contracts Office is responsible for obtaining and verifying the legality of these documents.
- Contracts will not be processed without the required legal documents.
- A contract must be executed before any work begins.

Contractor Documents Required

- 501(c)3 Documentation & Verification
- Statement of No Overdue Taxes
- Conflict of Interest Statement / Policy
- State Certifications
- Federal Certifications (if receiving federal funds)
- Authorization to Sign Contracts
- Authorization to Sign Expenditure Reports (CERs)

Contractor Registrations



NC Secretary of State



DUNS Verification



System for Award Management
(SAM) (if receiving federal funds)

Contract Timeline



*Magic Friday for Agreement Addenda

60 Days

Budget
Director
Personnel
DHHS IT
Public Affairs
Budget & Analysis
OPCS
Legal

30 Days

Budget Office 2
To Contractor for signature
Division Director / Designee
NC Grants / CRIS
Encumbrance in NCAS
Executed Contract mailed

Impact on Timelines

These items may increase the timeline from Award to Contract Execution.

- Open Window entry takes time, planning and practice.
- Joint Legislative Commission on Governmental Operations: Committee Meetings for the New Grants Legislation may not be scheduled or your grant may not be approved timely.
- Budget Revisions and validation of Budget Codes may be required – talk to your Budget Officer to minimize delays.
- External Reviews – allow at least 30 days for each entity to approve.

Contracts Executed after the Start Date

Office of Procurement and Contract Services (OPCS) states: A fully executed contract must be signed and dated by the contractor and division director prior to the effective date of the contract and/or before work begins.

- Exceptions must be justified in writing to the director of DHHS Division of Budget and Analysis who must approve any exceptions to this policy.

Office of State Budget and Management (OSBM) states that contract must be executed prior to payment.

- Contracts signed after the effective date require approval from Budget and Analysis (B&A) before the Controller's Office will pay the initial invoice.

Center of Excellence (COE)

The purpose of the Center of Excellence is to ensure the contract is needed, ensure contract is performance-based and evaluate past performance of Contractor.

Contracts/amendments must be reviewed by the designated COE committee per Branch policy.

The COE Chair should develop a schedule and COE review plan for all contracts and amendments.

It is the Contract Administrator's responsibility to ensure documents have been checked for quality prior to presentation at COE.

COE Review

- Contract Administrators should submit quality contract documents to the COE for review as COE reviewers should not be spending time correcting typos, rewriting scopes of works for grammar and reworking budgets for arithmetic.
- The contract documents must be submitted to COE reviewers at least three (3) days prior to the COE meeting.
- If reviewers have not reviewed the materials prior to the meeting, then the COE Chair must reschedule the COE meeting.
- When Contract Administrators present new contracts/amendments/contract renewals, they should:
 - Provide a brief overview of the contract (i.e., background history & nature of contract)
 - Explain why this contract is needed

Contract Forms

It is the Contract Administrator's responsibility to fully enter the contract in Open Window and fill out any necessary forms to accompany it.

The Contract Administrator must ensure the correctness and quality of each item submitted.

- Contract Approval Form (CAF)
- Federal Award Worksheet (for FA or POS)
- Scope of Work Override
- Open Window Budget Worksheet

These and other forms may be found on the Contracts Unit website under the folder "Open Window Worksheets."

<http://ncpublichealth.com/employees/contracts-forms.htm>

Contract Approval Form (CAF)

Required for all contract packages.

The CAF serves as the routing and approval form for the contract package.

Contains critical information in one snapshot view.

Must be filled out accurately.

CAF must be printed on pink paper for Contract
CAF must be printed on blue paper for Contract Amendment

CONTRACT APPROVAL FORM

PROVIDER INFORMATION

Name: _____

Address: _____
where checks will be mailed

Federal Tax ID # or SSN: _____

Group: _____

How Procured: **Select**

RFA# _____

Audit Status: **Select**

Open Window System #: _____

NC Grants ID _____

NCAS# _____

DPH Contract Administrator: _____

Administrator Phone# _____

DPH Contract Manager: **Choose Selection**

DPH Contract Delegate: _____

Section: **Select**

Service: _____

Previous Contract #: _____ *OPCS# _____

CONTRACT INFORMATION

CONTRACT PURPOSE: _____

Contract Dates: _____ to _____

Company #	State Fiscal Year (SFY)	Requirement Account #	Fund	RCC	FRC	Amount
2B01	_____	_____	_____	_____	_____	_____
2B01	_____	_____	_____	_____	_____	_____
2B01	_____	_____	_____	_____	_____	_____
2B01	_____	_____	_____	_____	_____	_____
Total Amount or Amendment Amount						_____

(Complete asterisked sections for Amendments only)

*Amd Contract Dates**: *_____ to *_____ Current Contract Total: _____

*Amd # _____ -- Amendments start date is the effective date of the amendment. *New Contract Total: _____

APPROVALS FOR INTENT TO CONTRACT

- Contract Admin Initials _____ Branch Head Signature _____ Date _____
Does this Contract use ARRA Funds? Yes No
ARRA Federal Award Number: _____
- Division Contract Office and telephone number _____ Date _____
 Approve
- Division Budget Office _____ Date _____
 Funds Budgeted Funds Proposed Funds Not Available
 Funds Proposed, Requires Realignment BR# _____
- Division Personnel Manager, if required _____ Date _____
 Approve Is this a former State employee? Yes No
- Center of Excellence Chair _____ Date _____
 Approve
- Director/Designee _____ Date _____
 Approve
- DIRM, if required _____ Date _____
 Approve
- Public Affairs, if required _____ Date _____
 Approve
- DHHS Budget & Analysis, if required _____ Date _____
 Approve
- DHHS Personnel Director, if required _____ Date _____
 Approve
- DHHS Office of Procurement & Contract Services, if required & Date _____
Does this Contract use ARRA Funds? Yes No
 Approve P&C # _____

Comments: _____
 Conditional Approval based on Funds Proposed

DIVISION BUDGET OFFICER, FINAL SIGNATURE APPROVAL — REQUIRED ONLY IF FUNDS PROPOSED

1. _____ Date: _____

Last Modified 5/22/14

Federal Award Worksheet (POS)

For use with POS contracts.

Required when using federal funds.

Details the federal grant information.

Must be signed by the COE Chair.

Federal Award Worksheet for Purchase of Service (POS) Contracts
DPH rev 07/17/15

 Operations Manager's Signature and Date

Contract Nbr Amd Nbr

 Legal Name of Contractor

Fill out one line below for each federal award used to fund this contract.

CFDA # ¹	CFDA Title ¹	Federal Award # ²	Federal Award Name ³	Grant Period ⁴	R&D ⁵	Federal Agency ⁶	Amount per Award ⁷
					No		
					No		
					No		
					No		
					No		
					No		
Total Federal Funds in this Action⁸:							

¹ CFDA # is found on the Notice of Award (NoA). CFDA Name is the corresponding Catalog of Federal Domestic Assistance program title.
² Federal Award # is the Federal Award Identification Number (FAIN) found on the NoA, without any suffixes or prefixes.
³ Federal Award Name is the project title or project description found on the NoA.
⁴ Grant Period is the period of time when federal funding is available for obligation found on the NoA.
⁵ R&D? Default answer is "No." If the federal award is considered Research and Development, change to "Yes."
⁶ Fed Awarding Agency is the complete name of the federal entity issuing the award.
⁷ Amount per Award is the amount from this award that is obligated for this one contract or amendment.
⁸ Total Federal Funds in this Action is the total amount of all federal awards that are obligated for this one contract or amendment.

Federal Award Worksheet (FA)

For use with FA contracts

Required when using federal funds.

Details the federal grant information per requirements in the Federal Omni-Circular.

Must be signed by the COE Chair.

Federal Award Worksheet for Financial Assistance (FA) Contracts

OPR 10/07/17/15

Operations Manager's Signature and Date

Contract Nbr _____ Amd Nbr _____ \$ _____
Total Amount of Federal Funds Obligated to the Contractor¹

Contractor's DUNS Nbr² _____ Contractor Legal Name _____

Fill out one of the award grids below for each federal award used to fund this contract. Use 2nd page only if needed.

				\$
FAIN ³	Grant Period ⁴	Federal Award Date ⁵	Total Amount of Fed Award ⁶	
Federal Award Project Description ⁷		Federal Awarding Agency ⁸		
CFDA Nbr ⁹	CFDA Name ⁹			
No			\$	
Is the award R&D? ¹⁰	Federal Award's Indirect Cost Rate ¹¹	Amount of Federal Funds Obligated by this Action ¹²		

				\$
FAIN ³	Grant Period ⁴	Federal Award Date ⁵	Total Amount of Fed Award ⁶	
Federal Award Project Description ⁷		Federal Awarding Agency ⁸		
CFDA Nbr ⁹	CFDA Name ⁹			
No			\$	
Is the award R&D? ¹⁰	Federal Award's Indirect Cost Rate ¹¹	Amount of Federal Funds Obligated by this Action ¹²		

¹ Total Amount of Federal Funds Obligated to the Contractor is the total of all federal funds obligated for this contract and all of its amendments.

² Contractor's DUNS Nbr is found in Open Window under View Contractor Record feature (very bottom of contract main screen).

³ FAIN is the Federal Award Identification Number found on the Notice of Award (NOA), without any suffixes or prefixes.

⁴ Grant Period is the period of time when federal funding is available for obligation found on the NOA.

⁵ Federal Award Date is the issue date of NOA or the date the NOA was signed. (Exceptions apply to grants paid in installments.)

⁶ Total Amount of the Federal Award is the entire amount of the federal award on the NOA made to the state for the length of the project period. If this is not listed, enter the entire amount of the federal award made to the state for the budget period.

⁷ Federal Award Project Description found on the NOA, is the project title or project description.

⁸ Federal Awarding Agency found on the NOA, is the complete name of the federal entity issuing the award.

⁹ CFDA Nbr is found on the NOA. CFDA Name is the corresponding Catalog of Federal Domestic Assistance program title.

¹⁰ Is the Award R&D? Default answer is "No." If the federal award is considered Research and Development, change to "Yes."

¹¹ Federal Award's Indirect Cost Rate found in grant rules. If the federal award has specific limitations on administrative costs for either the state or its contractors, state limitations here. Otherwise write "N/A" as DHHS has an approved cost allocation plan.

¹² Amount of Federal Funds Obligated by this Action is the amount from this grant that is obligated for this one contract or amendment.

Audit Determination Questionnaire

- Determines if the Contract is
 - Financial Assistance
 - Purchase of Service
- Part of Open Window entry

HIPAA Questionnaire

- Determines if a BAA (Business Associate Agreement) is needed with the Contractor
- Part of Open Window entry.

IT Questionnaire

- Determines if the Contract requires DHHS IT review and approval
- “YES” to any question means approval is required.
- Part of Open Window entry

What is an example of an IT-related professional service?

What is an example of software development?

DHHS Open Window IT Questionnaire (Version: 2.9.2.02222013)

1.	Will/Does the procurement include services for professional and/or personal service contractors for the purpose of performing IT related services in excess of \$5,000? Examples: computer programming support; computer systems analysis; computer systems security; database management service; database administration; database monitoring/tuning/backup/recovery; data storage planning and monitoring; electronic document management services; middleware services; IT project management services; IT technical writer; IT supplemental staff; IT management; IT standards/best practices for development and deployment; IT vendor/contract management; data modeling; IT gap analysis	No
2.	Will/Does the procurement include any activities for software development, enhancement, or maintenance (regardless of specific technical environment)? Examples: system design; feasibility studies; requirements definition; development of an RFI/RFP/RFQ/RFA or IT contract; web development; analysis and programming related to delivery of reports/statistical analysis; data conversion planning and execution	No
3.	Will/Does the procurement include Hardware or Software, including: (a) the purchase, lease, rent, or repair and maintenance of IT equipment; (b) the purchase, development, lease, rent or maintenance of computer software; or (c) related consulting services in excess of \$5,000? Examples: PCs, servers, scanners, printers, commercial off-the-shelf applications (COTS), customized systems, maintenance on hardware and/or software, IT support, IT Disaster Backup and recovery	No
4.	Will/Does the procurement include Telecommunications or Networking Services components, including: (a) the purchase, lease, rent, or repair and maintenance of telecommunications equipment; (b) the purchase, development, lease, rent, or maintenance of networking services; or (c) related consulting services other than standard internet connections? Examples: telephone and data communications services and cable installations from the Office of Information Technology Services (ITS) or vendors; desktop support; local area network (LAN) design/implementation/support/ administration; electronic commerce/EDI services; GIS services; wireless networking; e-mail services; ISP services; infrastructure planning/deployment/operations such as hardware platforms, computer-related equipment, telecommunications, systems software, operating systems, and connectivity requirements; configuration management Note: Does not include internet connection via standard browsers as provided by the State.	No
5.	Will/Does the procurement include system hosting services? Examples: web hosting; data warehouse hosting	No
6.	Will/Does the procurement include IT Training in excess of \$5,000? Examples: expenses for employee education, training, and registration fees including associated travel costs for IT related training; assessment of IT training needs; classroom, media-based or other training services	No
7.	Will/Do the IT expenditures exceed \$100,000 over five years? SB991 requires Project Approval for any initiative with total life cycle costs in excess of \$100,000. Total life cycle costs include costs extending to five years of operations and maintenance costs after implementation costs have ceased. The costs include internal personnel expenses, which should be approximated as 'order of magnitude' estimates. More information can be found on the State Chief Information Officer's website. If yes, project staff should work with DIRM Compliance Verification Section on SB991 reporting.	No
8.	Will/Does the procurement include ongoing maintenance and/or ongoing operations costs? Examples: hardware or software maintenance; product release support; help desk support/operations; computer operations support; scheduling and control operations; printing and distribution operations; data warehouse operations; IT disaster backup and recovery. If yes, ensure that the materials submitted to DIRM for review include the plan for maintaining and funding the ongoing costs.	No
9.	Will/Does the procurement include any other IT service expenses that are related to IT, but are not identified above? Examples: IT graphics and presentation services; IT organizational planning; IT research activities such as research or evaluation requiring specialized access to DHHS computer systems; HIPAA; IT security/security planning; IT policies/procedures for development and deployment; IT architectural design/review; negotiation for an IT vendor/contract; IT quality assurance activities; data entry operations; IT product and services initial reviews	No
10.	This procurement document requires DIRM review and approval, prior to any RFP issuance, vendor selection, contract/vendor management, and/or procurement activities.	No
11.	Has a federal agency required or recommended specific IT products or services for this procurement?	No

Contract Justification Memo

- Justifies the need for the contract.
 - Describes who is served and the outcomes that are expected to be achieved.
 - Explains how the contract was procured.
 - Defends the contract renewal.
 - Describes the Contractor's qualifications.
- Part of Open Window entry.

Scope of Work (SOW)

- Describes the Scope of Services the Contractor is responsible for providing.
- Outlines the contract deliverables and how they will be achieved within the timeframes.
- Explains how the Contractor will be monitored and reimbursed.
- When listing Contractor responsibilities, please use the word “shall” instead of “will”.
- Use an outline list – NOT bullets.

Scope of Work - Override

This form is designed to “override” the SOW section in Open Window.

N. C. Department of Health and Human Service
Division of Public Health

SCOPE OF WORK

BACKGROUND

What is the primary goal or mission of the program? Delete all gray text before uploading file into Open Window.

Comparison Data:

Enter any national or state level statistics that can be used as reference points to your demand measure for the contract's catchment area.

PURPOSE

What is purpose of this specific contract? Delete all gray text before uploading file into Open Window.

COUNTIES

This contract serves the following North Carolina County(ies):

PERFORMANCE REQUIREMENTS

Who (population served or impacted: define the number of unduplicated participants)?

What (activities, tasks, services, deliverables)?

When (timeframes)?

How (How is the service provided)?

Where [define service area(s)]? Delete all gray text before uploading file into Open Window.

The Contractor shall, for XXX unduplicated participants:

PERFORMANCE STANDARDS

What is the performance expectation? Details any reporting due, timeframes, methods, etc.

How will this contract accomplish desired result? Delete all gray text before uploading file into Open Window.

The Contractor shall:

PERFORMANCE MONITORING / QUALITY ASSURANCE PLAN

How will performance be monitored? For each scope item and measure, indicate when it is to be reported upon; how it's to be reported; to whom it's to be reported; etc.

What if performance is below expectation? Note interventions to address performance. The following is standard language. If this is not applicable to your contract, please delete and replace with relevant information. Delete all gray text before uploading file into Open Window.

This contract will be monitored according to the following plan:

Deliverables shall be monitored by site visits and required reports. The Contractor agrees to participate in periodic site visits as needed (with a minimum of one per year) as determined by the Program Manager. If the Contractor is deemed out of compliance, program staff shall provide technical assistance; and funds may be withheld until Contractor is back in compliance with deliverables. If technical assistance does not prove beneficial, the contract may then be terminated.

REIMBURSEMENT

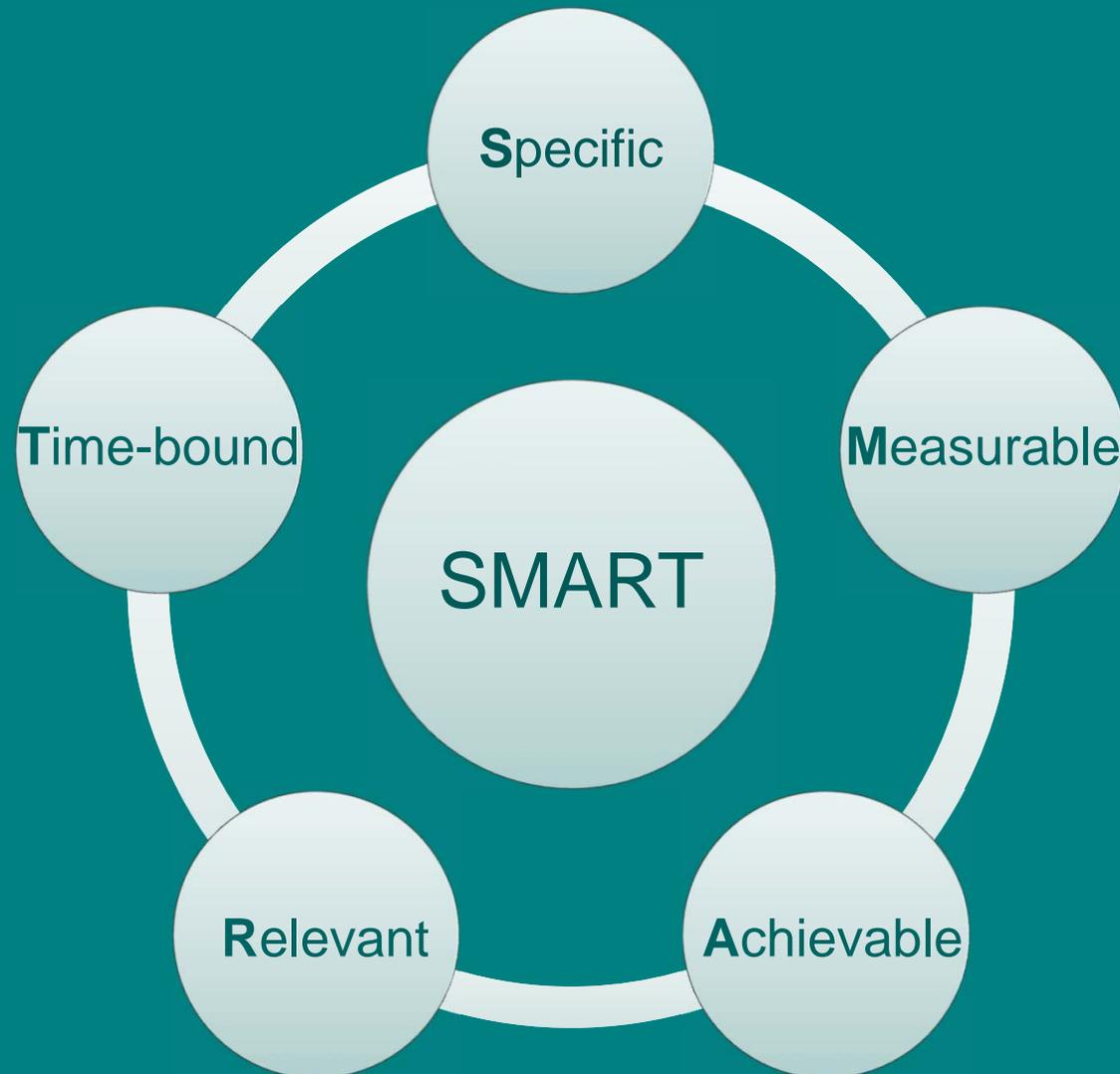
What are the terms of payment? Define the plan for reimbursement of services. Do not repeat language from the contract cover. The following is standard language. If this is not applicable to your contract, please delete and replace with relevant information. Delete all gray text before uploading file into Open Window.

CERs must be submitted even when no expenses are incurred in a given month. Failure to submit monthly sequential reports may delay receipt of reimbursement.

Performance Measures

- Performance measures are tools that provide a powerful means of focus within an agency by assuring that goals are on track.
- The Performance Measures Worksheet is designed to mimic the Open Window data entry format.
- Using the worksheet will help you plan out your measures and ease the entry into Open Window – especially if it is your first time designing and entering this data.

S.M.A.R.T. Measures



Required Performance Measures

- Demand
- Input
- Output
- Outcome
- Service Quality
- Efficiency

Demand Measures

- Supports the need for the service – What is the problem?
- Defines how many people in Catchment Area need the service.

Input Measures

- Resources allocated to the Contract.
- Typically stated in the Budget. Comprised of 2 elements:
 - Contract's total dollar (not to exceed) amount
 - Number of Full Time Equivalents (FTEs) working on the project.
- Expressed as a dollar amount AND the total number of FTEs.

Output Measures

- Defines the services provided under the contract – What steps will be taken to solve the problem?
- Defines how many unduplicated participants will be served and quantifies the Program-related deliverables.
- Typically expressed as a Number or Quantity.

Outcome Measures

- Defines the results achieved from the contract's inputs and outputs.
- How will the program effect the problem? What is the benefit and/or result of doing the work?
- Do NOT restate the Outputs.
- Typically expressed as a Percentage or Rate.

Service Quality Measures

- Defined as how well the service was delivered, based on characteristics important to the recipient.
- Used to determine if we are meeting the expectations of the recipient of the services.
- Takes the form of:
 - Timeliness
 - Accuracy
 - Meeting regulatory requirements
 - Courtesy

Efficiency Measure

- The cost per unduplicated participant who receives program services

OR

- The cost per result (such as an evaluation or a study).
- Expressed as a dollar amount.

Contractor Budget

- A Contractor Budget is required for all contracts that contain funding.
- Provide a cost justification for each line item in the “narrative” section.
- The budget and budget narrative must correspond to the proposed activities set out in the SOW.

- Allowable Expenditures must follow the rules of the grant/legislation.
- Gift cards, travel vouchers, etc. as incentives must include tracking language in the SOW Performance Standards section.
- If Indirect Costs are allowable and included, the Contractor must provide a current, valid Indirect Cost letter.
- Absolutely NO usage of the following words: catering, celebrations, consultants, flowers, honorariums, parties, rallies, holidays, etc.

Cost Negotiations

- Costs should be reasonable and prudent.
- Items to be negotiated may include:
 - Equipment purchases
 - Incentives: should not be the bulk of the budget
 - Travel: may not exceed State rates; double occupancy is an option; Contractor may use non-DPH funding sources for travel

State Reimbursement Rates

Mileage: \$0.54/mile

Breaks: \$4.50 per person

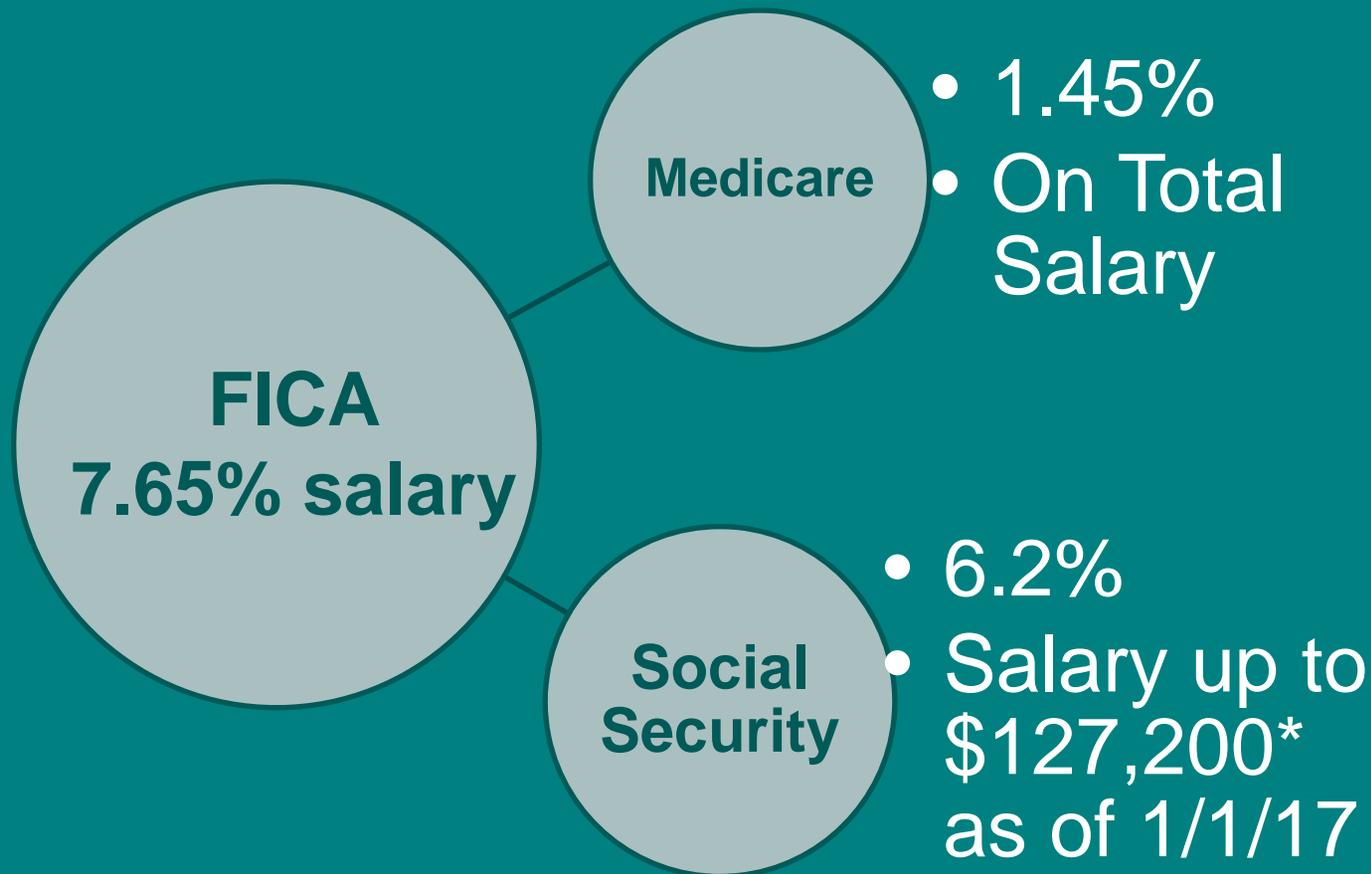
	In-State	Out-of-State
Breakfast	\$ 8.30	\$ 8.30
Lunch	\$10.90	\$10.90
Dinner	\$18.70	\$21.30
Lodging	\$67.30	\$79.50

Rates effective as of 1/1/16 and accurate as of 10/10/16

Source: <https://ncosbm.s3.amazonaws.com/s3fs-public/documents/files/BudgetManual.pdf>

Benefit and Salary Caps

Federal Insurance Contributions Act (FICA)



Benefit and Salary Caps

Federal Executive Level II

Consolidated Appropriations Act, 2014 (Public Law 113-76) restricts the amount of direct salary of an individual under an NIH / DHHS* grant, cooperative agreement or applicable contract to Executive Level II of the Federal Executive Pay Scale.

Currently: \$181,500.**

*Agencies include ACF, AHRQ, AoA, ATDSDR, CDC, CMS, HRSA, HIS, NIH, NIS and SAMHSA.

** Subject to change with new Federal Budget.

Budget Narrative

- The budget narrative must detail the calculations used to derive the line total
- Program staff must check behind the contractor to eliminate arithmetic errors.
- Activities should link back to the SOW but, not be described in full in the Budget Narrative.

- What does an adequate budget narrative look like?
 - What is it?
 - How many?
 - How much?
 - For what purpose?
 - Calculations make sense and are easy to follow/recreate.

 Is this an adequate narrative?

Dell laptop computers = \$1,018.

What's missing?

- Adequate narrative

Dell 13" laptop computers: 1 each for the 2 regional program coordinators to use in the field to enter data into the web-based tracking system. $2 \times \$509/\text{each} = \$1,018$.

Open Window Budget Worksheet

- Open Window specifies budget categories
- The [Open Window Budget Worksheet](#) is designed to mimic the OW data entry format.
- Having the Contractor use this form will ease the entry into Open Window.
- A “How-To” document is also available and may be forwarded to Contractors.

Contract Process: Routing Soft Copies

Soft copies are the final computer files used for each contract document.

- Naming Convention:

25513CAF

Contract Approval Form

25513FAW

Federal Award Worksheet

25513Budget

Budget Worksheet

- Email all documents for a single contract in one email
- Email to Team Leader and copy the Contracts Repository: DPH.Contracts@dhs.nc.gov
- Email Subject Line: include Contract # & Agency Name

Contract Process: Routing Hard Copies*

Hard copies are the final physical print-outs of each contract document.

- New and Renewed Contracts should have all the required documents printed out and inserted into orange folders. CAFs should be printed on pink paper.
- Contract Amendments must have all the required documents printed out and inserted into black folders. CAFs should be printed on blue paper.
- The CAF must be initialed by the Contract Administrator and signed by the Branch Head prior to submitting to the Contracts Office.
- Submit completed folders to the Contracts Office.

*Applies to Sections & Branches located on Six Forks Campus

EPI Routing Process

- Route the soft copies to the Contracts Office using the regular process.
- Team Leader submits a PDF version of the final contract package via email to the Contract Administrator
- Contract Administrator initials the CAF, and secures the Branch Head signature on the CAF and initials on the Justification Memo.
- Contract Administrator scans the signed documents as a PDF file and emails it back to the Team Leader.

Contract Amendments

Any change to the Contract must be completed through a contract amendment process, such as:

- Adding/subtracting funds
- Extending/shortening the contract period
- Revising the contract deliverables, number of people served, changes in performance measures, etc.

When writing the Amendment SOW and Performance Measures, please include **ONLY** the information that has been:

1. changed;
2. deleted from contract; and/or
3. added to contract

Contract Budget Realignment

- When funds allocated within the budget need to be reallocated for another purpose, a [contract budget realignment](#) may be issued.
- Contract budget realignments move funds from one category to another.
- Budget Realignments CANNOT be used to:
 - Change the total contract amount
 - Change the Scope of Work or contract deliverables
 - Add Line items to the Budget that would otherwise trigger additional External approvals (such as exceeding \$5000 in an IT expense).
- E.g.: \$2,500 originally allocated in “Personnel”, but Contractor wishes to move that money and add it to their existing “Supplies”. The total dollar amount of the contract does not change.

The approved realignment must be sent to your Team Leader.

For Contracts that begin on June 1, 2017: Budget Realignments will have to be done as an Open Window amendment.

Contract Expenditure Reports (CERs)

CERs are invoices for the reimbursement of services provided under the contract.

- CERs must have original signatures (no copies, faxes or stamps), be complete, accurate, and signed by an authorized agency representative.
- CERs are signed off by Program, then routed to the Contracts office for review and approval. Once approved, they are routed to the Controller's Office for payment.

CERs

- CERs must be submitted by the 10th of each month for previous month's expenditures – even if the amount is \$0.00.
- CERs must have original signature by an authorized signatory (form in Open Window).
- CERs cannot be predated.
- CERs must have the correct Contract and NCAS (PO) number and available funds in the PO line.
- Ensure that Contractors do NOT use the “Match” column unless your contract has in-kind match tracked through NCAS.

- CERs templates must be updated and accurate to the current contract.
- Programs must apply \$ to funding lines on CER
- Program cannot invalidate the certification by changing the Contractor's signature date.
- MUST be processed timely.
- CERs for State Funded contracts ending on May 31st are due in early June.
- CERs for Federally Funded contracts are due 30 days after the Contract End Date. (Except for public universities which have 60 days from the end date.)

N.C. Department of Health and Human Services
Division of Public Health

Section/Branch

Contract Expenditure Report

CONTRACTS
Need State CER 4
SEP 14 2016

August 2016

Months of Expenditure

Contractor

Project Director

Purpose

33777

Contract ID #:

2004133777

NCAS #:

\$759.00

Total Expenditure

CONTRACTS
SEP 19 2016

Contractor match is REQUIRED by this contract:
(Place an "X" in the appropriate box.)

	YES	X NO
--	-----	---------

Item Description	Item Number	Contractor Amount	DHHS Amount
Baseline Examination To be replaced. CER dated 8-3-16. From date on 8-29-16.		\$759.00	\$759.00
Subtotal		\$769.00	\$759.00
THIS SECTION FOR DPH USE ONLY:			
Company 2B01	Center		
Account 532176019	1264-2680- EX EX		

As chief executive officer or designee of the contracting organization, I hereby certify that the units billed to DHHS on this public payment voucher have been delivered in accordance with the conditions of the contract, and that to the best of my knowledge and belief we have complied with all laws, regulations and contractual provisions that are conditions of payment under this contract.

As chief executive officer or designee of the recipient organization, I hereby certify that the cost or units billed for reimbursement on the above Request for Reimbursement were incurred and delivered according to the provisions of the assistance agreement. I further certify that any required matching expenditures have been incurred, and that to the best of my knowledge and belief we have complied with all laws, regulations and contractual provisions that are conditions of payment under this contract.

Authorized Contractor Printed Name & Title

Signature

3-Aug-16
Date

Mail to: Appropriate Division Contract Administrator

DHHS-OPW Contract Administrator's Signature & Date

DHHS-OPW Branch Head Signature & Date

DHHS-OPW Contract Administrator Printed Name
(DHHS 2481 Revised 9/3/08) (DPH Revised 10/10/08)

DHHS-OPW Branch Head Printed Name

CER Routing

- When submitting CERs to the Contracts Unit be sure to have the following NCAS sheets attached:
 - PLF: PO Line Financial Information
 - PMI: PO Invoice Matching Information
- When “Funds Checking” is turned on, in NCAS, the Available Funds Inquiry (162) must also be attached.
- If the 162 shows a negative amount, you will need to contact your Budget Officer to correct the negative amount – prior to routing the CER to the Contracts Office.

Late Expenditure Payment Request Form

- If a Contractor submits a CER past the deadline, a Late Expenditure Report Form must be submitted to the Contracts Office along with the CER.
- Form should give a detailed reason and provide a process improvement for the future.
- The late CER cannot be approved for payment until the Budget Office signs the form.

Change Request

Occasionally, there is a need for changing the original account/center codes, funding source or funding year originally defined in a contract. This is called a Change Request (fka Code Change).

If you respond yes to either one of these questions below, a [Change Request Memo](#) must be processed.

Questions:

1. Are the account/center codes on the approved Contract Approval form changing from the original submission?
2. Is the original funding source (type of funds) of your contract changing?
3. Is the change an equal change of funds (dollar for dollar)?

Neither the DPH Contracts Office nor the DHHS Controller's Office will change account/center codes without receipt and approval of this letter.

Funding and Expenditures: Forms

All of these forms may be found on the Contracts Unit website:

- Contract Expenditure Report (CER)
- Late Expenditure Payment Request Form
- Change Request Memo
- Budget Realignment Form (until 6/1/17)

<http://ncpublichealth.com/employees/contracts-forms.htm>

Monitoring

- Reporting Due Dates: Ensure that your Contractor submits all reports on time, as detailed in the Scope of Work – including CERs and financial reports.
- Ensure services are being provided in accordance with the executed contract.
- Corrective Action – must be taken if Contractor fails to meet expectations.
- High Risk Contractors – must be monitored more heavily with the goal being to reduce risk.

For more information on Monitoring, go to Policies and Procedures section of the DPH Employee Toolkit:

<http://ncpublichealth.com/employees/polproc.htm>

Expand the heading “Monitoring and Compliance”

Terminating a Contract

- There are several reasons to terminate a contract:
 - Poor performance
 - Funding is no longer available
 - Mutual agreement with Contractor
- Notify the Contracts Manager via email and copy the Team Leader; include DPH contract number and reason for termination.
- The Contracts Office issues a termination letter, signed by the Director Designee, informing the Contractor of the termination.
- Timelines for Termination are in the Contract Terms & Conditions

Contract Close Out

- When the final accounting is complete, the Contract Administrator and/or Operations Manager confirms that all CERs have been paid and then requests the Contracts Encumbrance Officer to close the Purchase Order (PO) in NCAS.
- The Contracts Office closes the contract in NCAS and in all active system databases.
- In addition to any grant reporting and monitoring activities, Program is responsible for entering Actual values to Performance Measures in OW.

Helpful Website Addresses

NC DPH Contracts Unit Forms:

<http://ncpublichealth.com/employees/contracts-forms.htm>

NC DHHS Open Window:

<http://dhhsopenwindow.nc.gov/>

NC DPH Employee Toolkit

<http://ncpublichealth.com/employees/>

NC Office of State Budget and Management:

<https://www.osbm.nc.gov/>

Additional Training

Additional Contracts Training presentations may be found on the DPH Contract Unit Forms website under the heading “Training”:

Budget Training PowerPoint

Scope of Work & Performance Measures Training
PowerPoint

<http://ncpublichealth.com/employees/contracts-forms.htm>

Contact your Contracts Team Leader for additional assistance.