

supplies such as fuel oil, food, uniforms, etc. procured by the Department of Administrative Services (DAS) through Notice of Contracts (NOC) via the Statewide Contract List that do not have contact with inmates.

- B. Contract requirements for contractors and consultants who provide services will include, at a minimum, a standard State contract (P-37 version 5/15) including the following documentation, if required:
1. Exhibit A – Scope of Services (a narrative describing the type and nature of services to be provided, including commencement date and end date, under the contract);
 2. Exhibit B – Estimated Budget/Method of Payment (a narrative describing both the contract price, estimated budget, and unit pricing that will be paid in the form of invoices that must be submitted prior to payment);
 3. Exhibit C – Special Provisions (a narrative describing the contract language used to modify, add and/or delete the standard or existing contract language found on the State Long Form Contract, P-37 version 5/15);
 4. Current Certificate of Good Standing (COGS) issued by the NH Secretary of State;
 5. Certificate of Authority/Vote (COA);
 6. Certificate of Insurance (COI):
 - a. Proof of Comprehensive General Liability insurance against all claims of bodily injury, death or property damage, in amounts of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate; and
 - b. Proof of and certifies and warrants that the Contractor is in compliance with or exempt from, the requirements of N.H. RSA chapter 281-A (*“Workers’ Compensation”*);
 7. Comprehensive General Liability Insurance Acknowledgement Form;
 8. Business Associate Agreement (if applicable);
 9. NHDOC Administrative Rules, Rules of Conduct and Confidentiality of Information Forms;
 10. Copies of professional licensures, certifications and/ or qualifications (redacting all licensure & certificate numbers);
 11. List of Board of Directors (for Non-Profit Corporations only);
 12. List of Key Personnel and Salaries (for Non-Profit Corporations only);
 13. Resumes (redacting personal information, i.e. cell and home phone numbers, home and e-mail addresses and social security numbers, if applicable);
 14. Alternate W-9 Form;
 15. Statement of Financial Stability (if applicable);
 16. Qualitative References (if applicable);
 17. Non-Disclosure of Right to Know Information Letter to State Agency (if applicable and provide by the contractor);
 18. FBI Criminal Justice Information Services Security Addendum Certification Form;
 19. Criminal Record and Background Checks: Prior to enlisting services, contractors, consultants and vendors shall be required to submit a list of their employees’ names, social security and driver's license numbers to the appropriate NHDOC designee to obtain criminal record and background checks through the NH Department of Safety. This shall include the submission of fingerprints. Copies of the criminal/background checks shall be retained at a central location at headquarters of the NHDOC. Criminal record and background checks shall be conducted every five (5) years on current contractors and consultants. The NHDOC shall consider any incidents of sexual harassment or sexual abuse by any contractor or consultant in the decision to enlist services or to continue providing services to the NHDOC;
 20. Prison Rape Elimination Act Acknowledgement Form; and
 21. Quotes (if applicable).
- C. All contractors, consultants and vendors who provide services to the NHDOC may be required to participate in a Corrections orientation and/or training session concerning the

- NHDOC Administrative Rules, Regulations and Policies and other related internal Policies, Procedures, and Directives (PPD) specific to the division where the services are being provided to include but not limited to:
1. Prison Rape Elimination Act Procedures (5.19);
 2. Staff Personal Property Permitted in and Restricted from Prison Facilities (5.08) and;
 3. Division specific NHDOC PPD.
- D. If an employee of a contractor does not participate in a NHDOC orientation and/or training session and/or cleared in the criminal and background investigation, they must be escorted at all times.
- E. A current list of all contractors and consultants shall be maintained at the entry point of each facility. It is the responsibility of the facility administrator, contract liaison, project manager and/or designee to notify the perspective facility administrator to ensure that changes to the list are updated.
- F. The hourly rate of personal service contracts shall require pre-approval by the NH Department of Administrative Services, Division of Personnel excluding Federal funded personal service contracts – see Section V, Paragraph A:1, g, below.
- G. Personal Service and Non-Personal Service Contracts greater than \$10,000 shall require a formal competitive bidding process, via a Request for Proposal (RFP), per 21-I:11:I (a) 3, with prior approval by the Director of Administration and the Commissioner of the NHDOC.
- H. Personal Service and Non-Personal Service Contracts less than \$10,000 shall require three (3) written quotes.
- I. RFP: is a solicitation made through a competitive bidding process by an agency interested in a procurement of a commodity and/or service where an award is not based on price alone, but has other criteria to determine the best value for the State. An RFP is used for contracts, where a bidder's ability to provide consulting services, installation and/or other services, is an integral part of the requirements reflecting the strategy and short/long-term business objectives of the agency.
- J. Waiver: is a relinquishment or surrender of a procedure, policy or regulation that is used in special procurement circumstance.
1. Sole Source Request - The purchase of commodity and/or service that is available from a single source (vendor) or is manufactured direct which no other authorized distributor is available to resell the commodity or service.
 2. Brand Justification - The request for a specific brand or service (should not be confused with a Sole Source Request). Agencies that request a specific brand and/or commodity/part/service, with no substitutions allowed, must provide a detailed justification to the support the requested Brand Justification commodity/part/service.
- K. Responsibilities of the NHDOCs facility administrator, contract liaison, project manager and/or designee who requested contractual services will include, at a minimum, forwarding the following documentation to the Contract Administrator during any phase of the contract procurement:
1. Approval from the Director of Administration and the Commissioner of the NHDOC prior to the initiation of a contract and/or RFP;
 2. Sole Source Justification (if applicable);
 3. Brand Justification (if applicable);
 4. Detailed description of the Scope of Services or Scope of Work;
 5. Detailed description or chart/table of the Estimated Budget/Method of Payment to include funding source;
 6. DoIT Project Application (if applicable);
 7. DoIT Project Approval Letter (if applicable);
 8. Bidders List: List of potential individuals, companies and/or corporations that are possible sources to supply the requested commodity and/or service. The list shall consist of the following information: name of the company or corporation; business address;

name of the contact person and title; phone/cell/fax number(s) of the contact person; contact e-mail address and website. Redact all personal information unless the individual/company/corporation is using their home premises as their business (if applicable);

9. Consensus RFP Evaluation Score Sheet:
 - a. Coordinate a three (3) person, or more, RFP Evaluation Committee (if applicable); and
 - b. Conduct the RFP Evaluation using a consensus scoring methodology (scoring is documented on one (1) RFP Evaluation Score Sheet from all members of the evaluation committee including the chair of the committee), (if applicable).
10. Biography: Each individual chosen to participate on an RFP Evaluation Committee shall submit a biography of themselves to the contract liaison, project manager and/or designee responsible for the project, (if applicable);
11. Quotes (if applicable);
12. Verify Reference Checks (if applicable);
13. Monitor the performance, budget of the Contract for the life of the Contract and any renewals thereof; and
14. Conduct Contract remediation, if required.
- M. Subcontractors: The Contractor shall not assign, or otherwise transfer any interest of their Contract without the prior written consent of the NHDOC and the NH Department of Administrative Services (DAS).
- N. Non-Profit Corporation Contracts: Requirements specific to non-profit corporations:
 1. RSA 21-I:13, I. XIV. Establish a general liability insurance provision for standard state contracts that requires any contractor who qualifies for nonprofit status under section 501(c) (3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000 to provide insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate;
 2. List of Board of Directors;
 3. List of Key Personnel and Salaries; and
 4. Statement of Financial Stability: Balance Sheet, Profit and Loss Statement and a copy of the management letter from the most recent audit.

V. PROCEDURE:

- A. Procurement of contracted services: NHDOC is responsible for procuring and obtaining Legislative Fiscal Committee and Governor and Executive Council (G&C) approval, if applicable, for any service or maintenance contract that will be used solely by that agency. G&C approval is required on contracts if they are over the established dollar amounts identified below. Amounts shown are cumulative per agency per State fiscal year.
 1. **Personal Service Contracts:**
 - a. Services up to \$9,999 shall require a short form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21), three (3) written quotes of the service requested, approval by DAS, Division of Personnel and an encumbrance process using an RQ-10 that does not require G&C approval.
 - b. Services greater than \$10,000 shall require a competitive bidding process via an RFP per RSA 21-I:11:I (a) 3, with prior approval by the Director of Administration and the Commissioner of NHDOC.
 - c. Services greater than \$10,000 shall require a competitive bidding process via a RFP, long form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21 and paragraph K, items 1-12), approval by the DAS, Division of Personnel, NH Attorney General's Office, DAS Business Supervisor and G&C and

- d. encumbrance process using an RQ-10.
- d. Sole source contracts greater than \$10,000 require prior permission from the Director of Administration and the Commissioner of NHDOC to consider the option to contract with one (1) vendor without conducting a formal competitive bidding process via an RFP.
- e. A sole source justification, in the form of written communication, shall be provided to the Contract Administrator prior to submitting a contract to the DAS, Division of Personnel, NH Attorney General's Office, DAS Business Supervisor, Legislative Fiscal Committee and G&C for approval; this shall apply to all services up to \$10,000 and greater.
- f. Consultant contracts funded by federal funds require approval from the Legislative Fiscal Committee prior to G&C approval per RSA 124:15.
- g. Consultant contracts funded by federal funds, through the US Department of Justice, Office of Justice Program (OJP) consultant rate are:
 - i. Maximum limit is \$650.00 per day or \$81.25 per hour for contracts executed on or after June 1, 2014;
 - ii. When the rate exceeds the limit for an eight (8) hour day, or a proportionate hourly rate (excluding travel and subsistence costs), a prior written approval is required from OJP;
 - iii. An eight (8) hour day may include preparation, evaluation and travel time in addition to the time required for actual performance; and
 - iv. Consultant rates should be consistent with current market value for services.

2. Non-Personal Service Contracts:

- a. Services up to \$9,999 shall require a short form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21), three (3) written quotes and an encumbrance process using an RQ-10 that does not require G&C approval.
- b. Service greater than \$10,000 shall require competitive bidding via an RFP process per 21-I:11:I (a) 3.
- c. Services from \$10,000 up to \$24,999 shall require a competitive bidding process via an RFP, short form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21 and paragraph K, items 1-12) and an encumbrance process using an RQ-10 that does not require G&C approval.
- d. Services of \$25,000 or greater shall require a competitive bidding process via an RFP, long form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21 and paragraph K, items 1-12) approval by the NH Attorney General's Office, Department of Administrative Services and G&C and an encumbrance process using an RQ-10.
- e. Sole source contracts greater than \$10,000.00 require prior permission from the Director of Administration and the Commissioner NHDOC to consider the option to contract with one (1) vendor without conducting a formal competitive bidding process via an RFP.
- f. A sole source justification, in the form of written communication, shall be provided to the Contract Administrator prior to submitting a contract to the NH Attorney General's Office, DAS Business Supervisor and G&C for approval.

3. Repair Service Contracts:

- NHDOC is responsible for bidding and obtaining G&C approval for any service or maintenance contract that will be used solely by the NHDOC. G&C approval is required on contract if they are over certain established dollar amounts.
- a. Repair service contracts up to \$9,999 with commodities less than fifty percent

(50%) shall require a short form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21), three (3) written quotes and an encumbrance process using an RQ-10 that does not require G&C approval.

- b. Repair service contracts above \$10,000 or greater where the labor is more than fifty (50) percent of the total cost shall require an RFP process, long form contract P-37(version 5/15), Exhibit A, B, & C, COGS, COA, COI, and any applicable document from section IV, paragraph B, items 7-21 and paragraph K, items (1-12) NH Attorney General's Office, DAS and G&C approval and a pre-encumbrance number using an RQ-10.Example: Repairs to an agency heating system totals \$11,000, with the cost of labor at \$6,000 and the cost for parts at \$5,000.

4. Information Technology Contracts per 21-R:8-a:

Purchases of computer hardware, software, related licenses, media, documentation, support and maintenance services, and other related services that require an expenditure of \$500 or less, or that are included on an approved standards list established by the Department of Information Technology (DoIT) and require an expenditure of more than \$500, up to \$5,000, may be made by an agency without the approval of the chief information officer or his or her designee. To ensure that the procurement is consistent with the state information technology plan, no purchase of computer hardware, software, related licenses, media, documentation, support and maintenance services, and other related services, that requires an expenditure of more than \$5,000, or any such purchase that is not included on an approved standards list established by the DoIT which requires an expenditure of more than \$500, up to \$5,000, shall be made by an agency without the approval of the chief information officer or his or her designee:

- a. Prior to the agency's issuance of a solicitation for the purchase of computer hardware, software, related licenses, media, documentation, support and maintenance services, and other related services including a request for proposal, request for purchase, or other procurement documentation; and
- b. Prior to the agency's execution of a contract for the purchase of computer hardware, software, related licenses, media, documentation, support and maintenance services, and other related services.

5. Organized Meetings (Conferences/Workshops/Training Sessions or Seminars):

- a. Services up to \$2,499 shall require a short form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21), three (3) written quotes for the venue, food/refreshments and keynote speaker fees and an encumbrance process using an RQ-10 that does not require G&C approval.
- b. Services from \$2,500 and greater shall require a long form contract P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21) approval by the NH Attorney General's Office, DAS and G&C and an encumbrance process using an RQ-10. "Services shall include any associated cost with the organized meeting (conference, seminar, webinar & etc.).
- c. Examples of "associated cost" may be but not limited to:
 - i. Venue rental;
 - ii. Food/refreshments/beverages;
 - iii. Supplies (paper, pens/pencils, booklets, paper plates, cups, napkins, utensils, name tag labels, venue decorations & etc.);
 - iv. Media/audio-visual rental;
 - v. Key Note Speaker/Consultant Fees; and
 - vi. Transportation expenses (airline, hotel, public transportation, food &

- incidentals).
- d. Responsibilities of the NHDOC facility administrator, contract liaison, project manager and/or designee who requested contractual services for an organized meeting will include, at a minimum, the following documentation to be forwarded to the Contract Administrator during any phase of the contract procurement:
 - i. Approval from the Director of Administration and the Commissioner of the NHDOC prior to the initiation of a contract(s);
 - ii. Written confirmation that there is no free venue space available;
 - iii. (3) quotes for the Venue rental (if a free Shared Meeting Space cannot be obtained, example: Fox Chapel, see <http://admin.state.nh.us/comm/SharedMeetingSpaces.pdf> for other free venue options);
 - iv. (3) quotes for the refreshments/beverages (if not included with the Venue rental);
 - v. Internal P-4 to purchase supplies, approved by the Director of Administration;
 - vi. Justification for the Organized Meeting;
 - vii. Resumes of Key Note Speakers;
 - viii. Agenda for the Organized Meeting;
 - ix. List of Attendees for the Organized Meeting; and
 - x. Separate contract(s) for Key Note Speaker(s) to include transportation expenses. Contracts shall consist of the following documentation: P-37 (version 5/15), Exhibit A, B & C, COGS, COA, COI and any applicable document from section IV, paragraph B, items 7-21, approval by the DAS, Division of Personnel, NH Attorney General's Office, DAS Business Administrator and G&C and an encumbrance process using an RQ-10.
 - e. Clarify that a NHDOC facility administrator, contract liaison, project manager and/or designee shall not seek to avoid G&C approval of costs associated with organized meetings by viewing each cost independently and that costs in combination with any other cost pertaining to that meeting bring the total amount to the applicable threshold require G&C approval.
 - f. Clarify that any staff member traveling more than fifty (50) miles from their designated headquarter assignment to an organized venue location, shall seek prior, authorization to stay overnight (hotel accommodation).
- 7. Non-Profit Corporation Contracts:** Additional requirements specific to non-profit corporations:
- a. RSA 21-I:13, I. XIV. Establish a general liability insurance provision for standard state contracts that requires any contractor who qualifies for nonprofit status under section 501(c) (3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000 to provide insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate;
 - b. List of Board of Directors and
 - c. List of Key Personnel and Salaries; and
 - d. Statement of Financial Stability: Balance Sheet, Profit and Loss Statement and a copy of the management letter from the most recent audit.
- 8. The Contract Administrator will:**
- a. Upon receiving written notification from the facility administrator, contract liaison, project manager and/or designee that the proposed contractual services have been approved by the Director of Administration and Commissioner;

- received the appropriate items from section IV, paragraph B, items 7-21 and paragraph K, items 1-12, prepare, if applicable, an RFP, a short form and/or long form contract/sole source contract and/or combination thereof.
- b. Once approved by Fiscal Committee, if applicable, G&C, a copy of the executed contract will be given to the vendor/consultant; the facility administrator, contract liaison, project manager and/or designee; and appropriate internal linkages.
 9. Upon an approved contract, the facility administrator, contract liaison, project manager and/or designee shall retain “ownership” of the contract for the life of the contract and any renewals thereof to include remediation, if required.
 10. All appropriate documents required for Contractor to fulfill a contract obligation can be found on the NHDOC internet website under “Doing Business, RFP Resources” http://www.nh.gov/nhdoc/business/rfp_bidding_tools.htm

REFERENCES:

Department of Administrative Services Handbook, <http://sunspot.nh.gov/finance/documents/financial/das%20administrative%20handbook%20rev%20jan2006.pdf>
Department of Administrative Services, Manual of Operation (MOP), MOP 150, Section IV, <http://sunspot.nh.gov/DASManualProcedures/index.asp>
Department of Justice and Department of Administrative Services Contract Review and Approval Requirements, <http://sunspot.nh.gov/StateContracting/Documents/TrainingForContractReviewApproval.pdf>
NHDOC, Policies, Procedures and Directives, <http://www.nh.gov/nhdoc/policies/index.html>
Office of Justice Programs (OJP) Financial Guide, <http://ojp.gov/financialguide/index.htm>
Plant and Property Management Rules, Chapter Adm 600, http://www.gencourt.state.nh.us/rules/state_agencies/adm600.html
State of New Hampshire RSA's, <http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

OTHER:

State of New Hampshire, Department of Administrative Services, Bureau of Planning & Management, <http://admin.state.nh.us/comm/SharedMeetingSpaces.pdf>

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