

CONJECTURE



Materials Management Division
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SERVICE CONTRACT CERTIFICATION FORM

Certification Requirements: Required for all service contracts (Minn. Stat. § 16C.09).

Table with 2 columns: Department (Department of Commerce), Division (Health Insurance Exchange), Estimated Cost (\$1,121,225), Source of Funds (3000/B134601/B1333506, 2001/B134602/B1333504), and a large text area for contract details and notes.

Nature of service contract (include a brief description of the service):

Software licenses and related support and maintenance services for various software modules related to eligibility, enrollment, and account management for the Minnesota Health Insurance Exchange.

Product or result:

Continuous 24/7 availability of eligibility, enrollment, and account management functionality for individuals and small businesses accessing the Minnesota Health Insurance Exchange.

Other methods considered:

As described above, the initial purchase of licenses for this software was made through a professional and technical contract awarded after an open and competitive solicitation. Additionally, the option to purchase additional licenses and related support services was also secured through this professional and technical contract awarded after an open and competitive solicitation.

CERTIFICATION CLAUSES

- 1. I certify that there is no state employee able and available to perform the described services.
a. Internal to the requesting state agency.
b. External to the state agency.
State below how you reached the conclusion that no state employee is able and available to perform the described services:
The Minnesota Health Insurance Exchange is the while the COTS software is licensed to the State, no state employee is able and available to provide maintenance for the COTS software purchased under the professional and technical contract and under this contract because of the proprietary nature of the software.
2. I certify that the work to be performed under this Contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the Contract.
3. I certify that the Contract will not establish an employer/employee relationship between the State or the agency and any person performing under the Contract.

4. I certify that the company and/or its agents are not State employees, as per Minn. Stat. §16C.09
5. I certify that the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed.
6. The following person has been assigned to monitor and act as liaison for the Contract: Peter Frank
7. A solicitation estimated over \$10,000 is required to be advertised on the MMD website.

**Public notice is required for all solicitations estimated over \$10,000.**

I certify that that advertising of this service contract was made on \_\_\_\_\_ and the reference number was \_\_\_\_\_.

8. I certify that no conflict of interest has or will occur throughout the selection and execution of this Contract.

For purposes of certification clause (1), employees are available if qualified and are already doing the work in question or are on layoff status in classes that can do the work in question. An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question. If an employee responds to the solicitation and is determined to be qualified, contact the human resources office in the employee's department for assistance in contracting with the employee. After the solicitation has been issued, if a state employee or State agency is identified as being able and available to perform the task outlined in the solicitation, the State reserves the right to cancel the solicitation in its entirety.

### CERTIFICATIONS

**1. Signature of Person Requesting the Service Contract (Required)**

Printed Name: April Todd-Malmlor      Signature: [Signature]      Date: 10-22-12  
 Title: Exchange Director      Phone Number: 651-296-6570      E-mail: april.todd-malmlor@state.mn.us      Fax Number: —

**2. ALP Certified Buyer (ALP Certified Buyers can approve only up to their delegated authority, but not to exceed \$50,000.)**

Printed Name: Jennifer Hornstrom      Signature: [Signature]      Date: 10/24/12  
 Title: Buyer      Phone Number: (651) 296-3409      E-mail: Jennifer.Hornstrom@state.mn.us      Fax Number: —

**SEND TO MMD WHEN ABOVE THE AGENCY BUYER'S DELEGATED ALP AUTHORITY**

**3. Agency Head or Agency Head Delegate Signature (Agency Head or Agency Head Delegate must sign if the request is over \$50,000. The request must then be sent to MMD.)**

Signature: [Signature]      Date: 10/24/12  
 Title: Deputy Commissioner      E-mail: skum@state.mn.us      Phone Number: 651-297-2750

**4. Dept. of Admin, MMD (ALP Certified Buyers can approve only up to their delegated authority, but not to exceed \$50,000. All other requests must be sent to MMD for consideration of the appropriate MMD staff.)**

- Approved. You are given a one-time special delegation to process this service contract.
- Approved. Please send an Open Market Requisition (OMR) to MMD to process.
- Not Approved. Reason: \_\_\_\_\_

Signature: [Signature]      Date: 10/29/2012  
 Title: AVMS      E-mail: luke.jannett@state.mn.us      Phone Number: 651-201-2444

*\* Requires MN-IT Approval Written*

## Instructions for using the Service Contract Certification Form

Solicitation of service contracts must be in compliance with Minn. Stat. §16C.09.

### Under \$5,000 – Use one of the following:

1. Consider each service contract requirement on a case by case basis and complete a Service Contract Certification Form.
2. The act of placing the order or creating the contract by the ALP buyer constitutes the certification by the certified ALP buyer that all the requirements of the Minn. Stat §16C.09 are met and that the vendor has certified that it and/or its agents are not State employees.
3. Submit a request to the MMD Assistant Director/Acquisitions Manager for a blanket approval for each Fiscal Year a listing of service contracts that meet the requirements of the statute. When the requested list is approved, it will be returned to the agency so that agency buyers can create contracts or orders for the approved services without using this form.

### Above \$5,000 – Use one of the following:

1. If within the ALP Buyer's authority, the Service Contract Certification Form **must be completed and if approved signed by the ALP buyer.**
2. If over the ALP Buyer's authority, the Service Contract Certification Form must be completed and submitted to the MMD Assistant Director/Acquisitions Manager for approval.
3. Submit a request to the MMD Assistant Director/Acquisitions Manager for a blanket approval for each Fiscal Year a listing of service contracts that meet the requirements of the statute. When the requested list is approved, it will be returned to the agency so that agency buyers can create contracts or orders for the approved services without using this form.

### Category 1 - Agency issues the solicitation and requests a contract for more than two years

- A. The agency prepares the Service Contract Certification Form prior to issuing the solicitation.
- B. If the agency is requesting a contract period that exceeds two years, the agency submits the certification form to the Materials Management Division (MMD) Acquisition Manager, along with a copy of the solicitation.
- C. The Acquisition Manager either approves or disapproves the request for an extended contract period and signs the certification form and returns it to the agency.

### Category 2 - MMD issues an agency specific solicitation and contract

- A. The Acquisition Management Specialist (AMS) contacts the agency to have a Service Contract Certification Form prepared and submitted to MMD prior to issuing the solicitation. Appropriate signatures at the agency must be obtained before forwarding it to MMD.
- B. The AMS signs the Service Contract Certification Form processes the solicitation and contract.
- C. The AMS mails a copy of the signed Service Contract Certification Form and contract to the agency.
- D. The AMS keeps a copy of the signed Service Contract Certification Form with the contract.

### Category 3 - MMD issues a multi-agency or statewide solicitation and contract

- A. AMS processes the certification form and obtains supervisory approval.
- B. The AMS processes the solicitation and the contract.
- C. AMS keeps a copy of the certification form with the contract documents.

### **When agencies use a multi-agency or statewide contract:**

1. For any order issued **within** their ALP purchasing authority against the contract, the agency **MUST** process a certification form before issuing a work order or a Contract Release Order (CRO) for the work to be performed against the contract. Consult the Contract Release for instructions on how to order services from the contract. MMD's signature is not required for these orders. See the exceptions at the top of this sheet for orders under \$5,000.
2. For any contract order **above** the buyer's ALP purchasing authority, the agency **MUST** submit the certification form to the AMS in charge of the contract for signature before issuing a work order or a CRO. For those orders over \$50,000, the Agency Head or Agency Head Delegate must sign the form before submitting it to MMD. MMD's signature approval is required on form before the agency issues orders above the ALP authority of the agency buyer. The Contract Release gives instructions on how to order services from the contract.

