

PROFESSIONAL/TECHNICAL CONTRACT PROGRAM CERTIFICATION FORM

SECTION 1 – INSTRUCTIONS

- Complete form for:**
- Professional/Technical Service Contracts and Joint Powers Agreements
 - In excess of \$25,000 (Minn. Stat. 16C.08)
 - Single Source Contracts
 - In excess of \$5,000

- Checklist if not using SWIFT:**
- 2 copies of this Certification Form
 - 1 copy of your completed RFP
 - If contracts are estimated to be over \$50,000, submit a copy of the State Register ad
 - For solicitations under \$50,000, a posting on the MMD webpage will be done
 - Submit all to Department of Administration, Materials Management Division, Professional and Technical Service Contracts, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155
 - If applicable, provide documentation for non-standard terms and conditions

- Checklist if using SWIFT:**
- Upload completed Certification Form to the SWIFT Event
 - Attach documents from above checklist into the SWIFT Event; *exclude State Register ad*

SECTION 2 –BACKGROUND

| | | |
|--|---|---|
| Department of Administration | | Division Real Estate and Construction Services Master Roster Program |
| Estimated Contract Value (original contract period): \$20,000,000/year | Estimated Contract Value (including extension options): \$20,000,000/year | Source of Funds (indicate whether State or Federal) Various – bonded/general funds, special revenue, federal, etc. |

***Original Contract Period: From: 2/28/2016 To: 2/27/2021 With option to extend 0 add'l 0 yr. periods**

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

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

Nature of Contract: Qualified Minnesota licensed architects, engineers, land surveyors, landscape architects and geoscientists will be placed on a list to provide studies, reports, predesign, design, construction documents, construction administration, land surveys, geoscientist and project related professional services for new construction and repair of buildings, commissioning, bridges, roadways and land development. Consultant fees will be listed on the roster. Firms will be able to update their fee schedules one time per year.

Product or Result: Studies, reports, predesign studies, drawings, plans, specifications, land surveys, and supervision of construction for projects.

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

1) Describe how the proposed contract is necessary to achieve the agency's statutory responsibilities;
See attached description.

2) Describe your plan to notify firms or individuals who may be available to perform the services called for in the solicitation other than advertising in the *State Register*, on the MMD website, or in SWIFT; and
Dept of Admin website includes RFQ and program information at <http://mn.gov/admin/business/vendor-info/construction-projects/solicitations-announcements.jsp>

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

RECS project managers set milestones and monitor the consultant's progress throughout the project for compliance with the articles of the contract and the services and deliverables required in the contract. The contract identifies the major project phases. Upon completion of each phase the RECS project manager will review the consultants work for compliance with the contract articles and the services and deliverables required in the contract. The consultant will not proceed to the next phase until authorized by the project manager. During each phase the RECS project manager will also monitor the work via review documents, periodic design and /or construction progress meetings. During the construction phase the RECS project manager will review/approve all pay requests and supplemental agreements.

SECTION 3 – VENDOR SELECTION METHOD

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

A. Public Solicitation

Executive Order 05-07 requires that "all vendor selection evaluations conducted under Minnesota's "best value" statutes must consider price to be of significant importance..."

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

- EXCEPTION: I am requesting an exception to the State's guideline. A memo justifying the request is attached.

N/A – RFQ only – Solicitations/Selections will be Issued as follows:

| <i>Contract Amount</i> | <i>Minimum Number of Vendors to Solicit To</i> |
|--------------------------------------|--|
| <i>\$0-\$24,999.99</i> | <i>1 (Agency may select one vendor from the Master Roster to complete the work)</i> |
| <i>\$25,000 - \$49,999.99</i> | <i>2</i> |
| <i>\$50,000-\$99,999.99</i> | <i>3</i> |
| <i>\$100,000-\$200,000</i> | <i>10</i> |

The Master Roster Program may not be used for projects exceeding \$200,000 in Design/Professional Technical Services fees, or a project that will cost more than \$2,000,000 in total fees (includes construction fees).

COMPLETE SECTION 4, IF APPLICABLE.

B. Single Source Request

Name of Contractor _____

- Attach a justification form.
A sample can be found at: <http://www.mmd.admin.state.mn.us/doc/singlesourcerequestform.doc>.

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

- Services and products will meet the Minnesota IT Accessibility Standards

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

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

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

Name of Governmental Unit _____

- 1) Explain how/why this governmental unit was selected.
- 2) Can this work be performed by any other governmental unit?

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

SECTION 4 – ACCESSIBILITY – N/A

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

Information on the Minnesota IT Accessibility Standards can be found at:

http://www.mmd.admin.state.mn.us/pdf/accessibility_standard.pdf.

STEP ONE: Accessibility Standards Verification:

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

- Applicable WCAG 2.0 Level AA requirements (WCAG 2.0) are included in the solicitation document and will be evaluated utilizing the procurement process checked below in Step Three.
- Applicable 508 (B) Technical Standards, (C) Functional Performance Criteria, and (D) Information, Documentation, and Support Requirements (Section 508) are included in the solicitation document and will be evaluated utilizing the procurement process checked below in Step Three.

STEP TWO: Accessibility Exception Request:

*If Step One is not applicable, check one or both below and indicate the appropriate exception category. **Attach a memo** detailing the rationale supporting the exception request. (A full description of all exceptions can be found at <http://www.mmd.admin.state.mn.us/pdf/AccExceptions.pdf>)*

- Applicable WCAG 2.0 Level AA requirements are NOT included; and/or
- Applicable 508 (B) Technical Standards, (C) Functional Performance Criteria, and (D) Information, Documentation, and Support Requirements are NOT included because:

Exception category:

Check all that apply:

- National/State Security
- Service Personnel Space
- Infrastructure Hardware
- Fundamental Alteration
- Undue Burden (*must be accompanied by the form at: <http://www.mmd.admin.state.mn.us/doc/AccDetermination.doc>*)

STEP THREE: Process for Evaluating Accessibility

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

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

- Full Accessibility is a pass/fail requirement
- Partial Accessibility is a pass/fail requirement
- Full or Partial Accessibility is a pass/fail requirement, but Dual Responses are considered
- Full or Partial Accessibility is a pass/fail requirement and is further scored as a % of points
- Accessibility is scored as a % of points

- Proposals are short-listed prior to scoring accessibility as a % of points
- Accessibility is not considered due to an exception indicated above

SECTION 5 – AGENCY CERTIFICATIONS

Pursuant to Minn. Stat. 16C.08, I certify:

1. No state **agency** employee is (a) able and (b) available to perform the services called for by the contract
 - A. **How did you reach this conclusion:**
To the best of RECS's knowledge, only DNR, MnDOT, MnSCU and RECS have staff with the appropriate licensure. To the best of RECS's knowledge, none of these state agencies have staff available to perform the services.
 - B. **List other methods considered for accomplishing the work.** [Example: In-house, other divisions or offices, other state agencies.] *Architects, Engineers, Landscape Architects, Land Surveyors, and Geoscientists must be licensed by the State of Minnesota in order to perform services. No other method is available.*
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 Sherry Van Horn at 651.201.2376 (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 9/22/2015 (date, within past three months); **OR**
 - Not applicable. The agency does not have an active seniority unit layoff list.
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 MMD.

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

| | |
|--|--------------|
| Activity Manager: | Date: |
| Division Director: | Date: |
| Assistant Commissioner (program): | Date: |

Agency signature (required)

Authorized Certification/Officer authorized to sign contracts: *[Signature]* Date: *9/28/15*

MN.IT signature (required for IT-related services)
MN.IT/BUY.IT Approval: Date:

Department of Administration signature (required)
Materials Management Division/Professional Technical Approval: Date: *11/20/2015*

Lynn A. Klessig
Subject to changes discussed at 11/20/2015 meeting

2015 SEP 28 P 4: 15
MATERIALS MGMT
DIVISION OF REGISTRATION
STATE OF MINNESOTA

Klessig, Lynn (ADM)

From: Klessig, Lynn (ADM)
Sent: Thursday, October 01, 2015 12:33 PM
To: Van Horn, Sherry M (ADM)
Subject: RECS - Master Roster Program Extension

Hi Sherry,

Justin and I discussed RECS' request to extend the master roster program today. He referred to a recent meeting about this topic and wishes to arrange another meeting with the RECS staff, himself, Tina Wong and me to discuss the program. Since the current program doesn't expire until February 2016, there's no rush, but let me know when a meeting can be scheduled. Thanks Sherry.

Lynn

Lynn A. Klessig

P/T Contracts Administrator
Minnesota Department of Administration
Materials Management Division
Tel. (651) 201-3048
Lynn.klessig@state.mn.us

- A) Cert subject to:
- 1) Consolidate RFQ Addenda into final version; Add Bridge Design ~~(Historical)~~
 - 2) State Register; minority press
 - 3) written acknowledgment from incumbents
 - 4) Dollar levels & process remain the same