STATE OF TENNESSEE
DEPARTMENT OF GENERAL SERVICES

BILL HASLAM
GOVERNOR

ROBERT E. OGLESBY, AIA
COMMISSIONER

AGENDA

ADVISORY COUNCIL ON STATE PROCUREMENT MEETING #012
MONDAY, DECEMBER 16, 2013 – 2:30 PM
TN TOWER – 3rd FLOOR
CONFERENCE ROOM E – CONFERENCE CENTER NORTH

	AGENDA ITEM	PAGE #
I.	Call to Order and Approve Minutes from October 29, 2013 Meeting (see attached documentation)	1
II.	New Business Proposed revisions to the following Central Procurement Office documents (see attached redline and clean versions of each):	
	(1) Contract Termination Request	11
	(2) Solicitation Cancellation Request	15
	(3) Limitation of Liability Request	19
	(4) Nondiscrimination Language for Grant Models	25
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	(7) Proposed deletion of Section 5.4.7 of the *Procurement Procedures Manual of the Central Procurement Office*	38
III.	Other Business	--
IV.	Adjournment	--

CENTRAL PROCUREMENT OFFICE
312 ROSA L. PARKS AVENUE, 3RD FLOOR • NASHVILLE, TENNESSEE 37243
(615) 741-1035 • FAX: (615) 741-0684 • WWW.TN.GOV/GENERALSERV/

MINUTES OF OCTOBER 29, 2013 MEETING

MINUTES
ADVISORY COUNCIL ON STATE PROCUREMENT MEETING #011
TUESDAY, OCTOBER 29, 2013 – 1:30 P.M.
TN TOWER – 3RD FLOOR – CONFERENCE ROOM E
CONFERENCE CENTER NORTH

Members in Attendance:

Mike Perry, Sondra Howe, Buddy Lea, Kelly Smith, Jason Mumpower, Mark Choate, Melissa Kmiecik, Mark Choate

Members in Attendance by Phone:

Hugh Holt

Others in Attendance:

Matt Brimm, Shay Oliphant, Melinda Parton, Bryan Chriske, Don Ivancic, Trent Andrews, Shannon Howell, Jenny Young, Cindy Heatherly, Jamil Moore, Paul Krivacka, Charles Key, Toni Stuart, Charlotte McKinney (State of Tennessee);

I. **Call to Order:** Mike Perry, Chief Procurement Officer and Advisory Council on State Procurement Chairman, officially called the meeting to order. He recognized that a quorum of members was present. Chief Procurement Officer Perry apologized for the lateness in distribution of the agenda and supporting documentation for this meeting. To be fair to all members and allow sufficient time for review, he indicated that the Central Procurement Office (CPO) will get documents out earlier going forward. Chief Procurement Officer Perry expressed his appreciation to Buddy Lea and Sondra Howe for agreeing to be reappointed to the Advisory Council and thanked them for their time and support of the Central Procurement Office. He also expressed appreciation to Matt Thompson and Mark Choate for their service and thanked the Comptroller's Office for their input and continued support.

Minutes from September 30, 2013 Meeting: Chief Procurement Officer Perry asked if there were any corrections or changes to the minutes of the September 30, 2013 meeting. Seeing none, a motion was made by Jason Mumpower, Chief of Staff, Comptroller's Office, to accept the minutes as submitted. The motion was seconded by Buddy Lea, Assistant Commissioner, Department of Finance and Administration.

All members voted in favor – none opposed.

II. **New Business:** Chief Procurement Officer Perry thanked the CPO Policy Review Subcommittee and the Comptroller's Office for their hard work and continued efforts to review and edit the Central Procurement Office models and templates that are on today's agenda. He stated that the Comptroller's Office had submitted a list of proposed changes (see Attachment A) to several documents on the agenda that will be discussed as they are brought to the floor by Paul Krivacka, Lead Attorney/Director of Category Management, Central Procurement Office. At this point Chief Procurement Officer Perry turned the floor over to Mr. Krivacka, to discuss the following new business items:

Proposed revisions to:

(1) Request for Qualifications (RFQ) Template

Mr. Krivacka stated that the following suggested edits and comments to this document were proposed by the Comptroller's Office (see Attachment A):

- On the RFQ Template, page 18 of the redline version (page 65 of the clean version), the heading "Option: Cost Proposal Format - Units or Temporal Rate Payments (proposed by period)" does not have any associated text. If this section is to remain, please have proposed language ready for discussion at the meeting or, if the section is to be removed, so indicate.

- On the RFQ Template, page 25 of the redline version (page 72 of the clean version), in the Approval Instruction at bullet 4, the COT does not plan on discussing RFQ questions with agency staff since only CPO is authorized to use the RFQ process. Revised wording could read: "Comptroller staff will: (a) review the draft and confer directly with CPO by means of review notes and redrafts that are exchanged by e-mail and (b) e-mail approval notice to CPO staff when the latest draft appears acceptable for release".

Mr. Krivacka stated that the CPO agrees with the above proposed edits and that the omission of the text on page 18 of the redline version (page 65 of the clean version) was an oversight and the text and table shown on Attachment B should be included.

Mr. Krivacka stated that the Comptroller's Office also suggested that a corresponding change to the Administrative Rules was needed and the CPO agrees. The CPO will seek a Rule amendment that will be presented to the Advisory Council and then to the Procurement Commission at a later date.

A motion was made by Jason Mumpower to accept the Request for Qualifications (RFQ) Template with the revisions as proposed by the Comptroller's Office and as presented by Mr. Krivacka. The motion was seconded by Kelly Smith. All members voted in favor – none opposed.

(2) Interagency Agreement – Grant Template

Mr. Krivacka stated that the following suggested edits and comments to this document were proposed by the Comptroller's Office (see Attachment A):

- On the Interagency Agreement Grant Template, page 101 of the redline version (page 127 of the clean version) at subheading "A. Scope of Services", the first sentence may be easier to read if it was broken into 2 sentences. A suggestion is: "It is the responsibility of the grantor state agency to adequately draft a scope of services. Oversight examiners will rely on…"
- On the Interagency Agreement Grant Template, page 102 of the redline version (page 128 of the clean version), at the subheading "Payment Methodology", the reference to the "Comptroller's Compliance Office" should be "Comptroller's Procurement Compliance Office".

Mr. Krivacka stated that the CPO agrees with these proposed changes.

A motion was made by Jason Mumpower to accept the Interagency Agreement – Grant Template with the revisions as proposed by the Comptroller's Office and as presented by Mr. Krivacka. The motion was seconded by Buddy Lea. All members voted in favor – none opposed.

(3) Contract Amendment Template

The Comptroller's Office had no proposed revisions to this document.

A motion was made by Jason Mumpower to accept the Contract Amendment Template as presented by Mr. Krivacka. The motion was seconded by Kelly Smith. All members voted in favor – none opposed.

(4) Amendment Request

The Comptroller's Office had no proposed revisions to this document.

A motion was made by Kelly Smith to accept the Amendment Request as presented by Mr. Krivacka. The motion was seconded by Jason Mumpower. All members voted in favor – none opposed.

(5) Special Contract Request

Mr. Krivacka stated that the following suggested edits and comments to this document were proposed by the Comptroller's Office (see Attachment A):

- On the Special Contract Request, page 168 of the redline version (page 174 of the clean version), recommend transposing the CPO and Comptroller signature blocks so that the CPO's signature is on the left as CPO is the first approver.
- On the Special Contract Request, page 170 of the redline version (page 175 of the clean version), at subsection "For No Cost and Revenue Contracts Only", recommend adding a section to capture the total estimated revenue that would result from a proposed revenue contract.

Mr. Krivacka stated that the CPO agrees with these proposed changes.

Jason Mumpower made a motion to accept the Special Contract Request with the revisions as proposed by the Comptroller's Office and as presented by Mr. Krivacka. The motion was seconded by Buddy Lea. All members voted in favor – none opposed.

(6) Protest Bond Example

The Comptroller's Office had no proposed revisions to this document.

A motion was made by Buddy Lea to accept the Protest Bond Example as presented by Mr. Krivacka. The motion was seconded by Kelly Smith. All members voted in favor – none opposed.

(7) Central Procurement Office Business Conduct and Ethics Policy and Procedures, Policy No. 2013-009

Mr. Krivacka stated that the following revisions to this document were proposed by the Comptroller's Office (see Attachment A):

- On Policy 2013-009, page 185, how do the changes align with the TCA? At section 9, it states that the "Procuring State Agency employees should …" , should more direct language be used? How does Attachment "C" align with the TCA?

A general discussion was held to determine the most appropriate language to be used in the event that a department does not have policies and procedures in place. It was decided that a sentence such as the following should be added after the third sentence of Section 9:

"If no policies and procedures exist within the employees' agency, then they shall file an annual Conflict of Interest disclosure in accordance with the policies and procedures of the Central Procurement Office".

Jason Mumpower made a motion to accept the proposed changes to Policy No. 2013-009 with the language change stated above to Section 9 as agreed to in the meeting and contingent upon a review of Attachment C at the next meeting to ensure alignment with TCA §12.4.101. The motion was seconded by Kelly Smith. All members voted in favor – none opposed.

(8) Central Procurement Office Procurement Methods Policy and Procedures, Policy No. 2013-002

Mr. Krivacka stated that the following suggested edits and comments to this document were proposed by the Comptroller's Office (see Attachment A):

- On Policy 2013-002, page 202, how does the language of 19.9 Request for Qualifications ("RFQ") align with the definition of the RFQ in the new Rules? In the Rules, the RFQ is defined as:

  > "Request for Qualifications" means a written solicitation containing a list of qualifications that must be met before a vendor may propose in response to a Request for Proposal. A written response from a vendor is the appropriate response to a Request for Qualifications.

  The definition seems to restrict the use of the RFQ as a prequel to the RFP and does not anticipate the RFQ process as being used in place of the RFP process. Should the Rules be updated to match how CPO intends to use the RFQ method?

Chief Procurement Officer Mike Perry stated that it appears there are two options:

Option 1 would be to approve as stated contingent upon an amendment to the Rules to remove ambiguity.

Option 2 would be to tailor this to match concerns raised by the Comptroller's Office as far as an RFQ followed by an RFP and reflect that definition. That is, approve as is but only use an RFQ followed by an RFP until the corresponding Rule is amended.

Mr. Krivacka stated that in specific instances, a Rule Exception could be used for other procurement methods until the corresponding Rule is amended.

It was agreed that Option 2 is the best way to proceed.

Jason Mumpower made a motion to adopt Option 2 as presented by Chief Procurement Officer Mike Perry and leave Policy 2013-002, Section 19.9 unchanged,

except by adding additional language making it clear that only the Central Procurement Office has the authority to utilize a RFQ procurement method. The motion was seconded by Buddy Lea. All members voted in favor – none opposed.

(9) Sections 5.13.3, 6.3.3, and 11 of the *Procurement Procedures Manual of the Central Procurement Office*

The Comptroller's Office had no proposed revisions to this document.

Mr. Krivacka stated that the proposed changes were to clarify certain sections of the *Procurement Procedures Manual of the Central Procurement Office* to use the Special Contract Request to replace the Commissioner to Commissioner letters used in the past and that this change will cut down on duplicative documentation.

Chief Procurement Officer Perry stated that an Edison committee is currently working toward a process that would allow forms to be routed, tracked, and approved electronically in Edison and that the first test document for this process will be the Executive Service Hiring form.

A motion was made by Buddy Lea to accept the proposed changes to Sections 5.13.3, 6.3.3, and 11 of the *Procurement Procedures Manual of the Central Procurement Office* as presented by Mr. Krivacka. The motion was seconded by Jason Mumpower. All members voted in favor – none opposed.

III. Other Business: Chief Procurement Officer Perry asked for any new business that the Council needed to discuss and there was none.

IV. Adjournment: A motion for adjournment was made by Jason Mumpower and seconded by Kelly Smith. All members voted in favor – none opposed.

ATTACHMENT A

Notes from Comptroller's Office received on 10/29/13:

- On the RFQ Template, page 18 of the redline version (page 65 of the clean version), the heading "Option: Cost Proposal Format – Units or Temporal Rate Payments (proposed by period)" does not have any associated text. If this section is to remain, please have proposed language ready for discussion at the meeting or, if the section is to be removed, so indicate.
- On the RFQ Template, page 25 of the redline version (page 72 of the clean version), in the Approval Instruction at bullet 4, the COT does not plan on discussing RFQ questions with agency staff since only CPO is authorized to use the RFQ process. Revised wording could read: "Comptroller staff will: (a) review the draft and confer directly with CPO by means of review notes and redrafts that are exchanged by e-mail and (b) e-mail approval notice to CPO staff when the latest draft appears acceptable for release".
- On the Interagency Agreement Grant Template, page 101 of the redline version (page 127 of the clean version) at subheading "A. Scope of Services", the first sentence may be easier to read if it was broken into 2 sentences. A suggestion is: "It is the responsibility of the grantor state agency to adequately draft a scope of services. Oversight examiners will rely on..."
- On the Interagency Agreement Grant Template, page 102 of the redline version (page 128 of the clean version), at the subheading "Payment Methodology", the reference to the "Comptroller's Compliance Office" should be "Comptroller's Procurement Compliance Office".
- On the Special Contract Request, page 168 of the redline version (page 174 of the clean version), recommend transposing the CPO and Comptroller signature blocks so that the CPO's signature is on the left as CPO is the first approver.
- On the Special Contract Request, page 170 of the redline version (page 175 of the clean version), at subsection "For No Cost and Revenue Contracts Only", recommend adding a section to capture the total estimated revenue that would result from a proposed revenue contract.
- On Policy 2013-009, page 185, how do the changes align with the TCA? At section 9, it states that the "Procuring State Agency employees should ..." , should more direct language be used? How does Attachment "C" align with the TCA?
- On Policy 2013-002, page 202, how does the language of 19.9 Request for Qualifications ("RFQ") align with the definition of the RFQ in the new Rules? In the Rules, the RFQ is defined as:

  "Request for Qualifications" means a written solicitation containing a list of qualifications that must be met before a vendor may propose in response to a Request for Proposal. A written response from a vendor is the appropriate response to a Request for Qualifications.

  The definition seems to restrict the use of the RFQ as a prequel to the RFP and does not anticipate the RFQ process as being used in place of the RFP process. Should the Rules be updated to match how CPO intends to use the RFQ method

ATTACHMENT B

Option: Cost Proposal Format – Unit or Temporal Rate Payments (proposed by period).

Use the following table if Proposers must offer rates for one or more cost items for each of several specified periods of the contract.

Use the following table if the Respondents must offer rates for one or more cost items for each of several specified periods of the contract.

ATTACHMENT D

Cost Proposal & Evaluation Guide

For Qualified Respondents Only

NOTICE: THIS COST PROPOSAL MUST BE COMPLETED EXACTLY AS REQUIRED

COST PROPOSAL SCHEDULE— The Cost Proposal, detailed below, shall indicate the proposed price for the delivery of specified goods for the entire scope of services including all services defined in the Scope of Services of the RFQ Attachment G, *pro forma* Contract and for the entire contract period. The Cost Proposal shall remain valid for at least 120 days subsequent to the date of the Cost Proposal opening and thereafter in accordance with any contract resulting from this RFQ. All monetary amounts shall be in U.S. currency and limited to two (2) places to the right of the decimal point.

ADD ADDITIONAL REQUIREMENTS FOR COMPLETING PROPOSED COST AS APPLICABLE (*I.E.*, MINIMUM AMOUNT, "BLANK" CELLS, *ETC.*)

NOTICE: The Evaluation Factor associated with each cost item is for evaluation purposes only. The evaluation factors do NOT and should NOT be construed as any type of volume guarantee or minimum purchase quantity. The evaluation factors shall NOT create rights, interests, or claims of entitlement in the Respondent.

Notwithstanding the cost items herein, pursuant to the second paragraph of the *pro forma* contract section C.1. (refer to RFP Attachment G), "The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract."

This Cost Proposal must be signed, in the space below, by an individual empowered to bind the proposing entity to the provisions of this RFQ and any contract awarded pursuant to it. If said individual is not the *President* or *Chief Executive Officer*, this document must attach evidence showing the individual's authority to legally bind the proposing entity.

RESPONDENT SIGNATURE:	
PRINTED NAME & TITLE:	
DATE:	

ATTACHMENT B

RESPONDENT LEGAL ENTITY NAME:								
Cost Item Description	**Proposed Cost**					**State Use ONLY**		
	DATE—DATE	**DATE—DATE**	**DATE—DATE**	**DATE—DATE**	**DATE—DATE**	**Sum**	**Evaluation Factor**	**Evaluation Cost** (sum x factor)
DESCRIPTION	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**		NUMBER	
REPEAT AS NECESSARY	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**		NUMBER	
REPEAT AS NECESSARY	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**		NUMBER	
REPEAT AS NECESSARY	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**		NUMBER	
REPEAT AS NECESSARY	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**	**$ / UNIT**		NUMBER	
TOTAL EVALUATION COST AMOUNT (sum of evaluation costs above): The RFP Coordinator will use this sum and the formula below to calculate the Cost Proposal Score. Numbers rounded to two (2) places to the right of the decimal point will be standard for calculations.								
lowest evaluation cost amount from all proposals / **evaluation cost amount being evaluated** **x RFP § 5.5. NUMBER (maximum possible score)** **= SCORE:**								
State Use – RFQ Coordinator Signature, Printed Name & Date:								

• CONTRACT TERMINATION REQUEST

REDLINE COMPARISON TO 11/18/13 VERSION

Contract Termination Request

If a State Agency determines it to be in the best interests of the State to terminate a contract before the contract end date, either for cause or convenience, the head of the State Agency shall request and obtain the approval of the Chief Procurement Officer prior to any notice of contract termination. Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

APPROVED	
CHIEF PROCUREMENT OFFICER	DATE

Request Tracking #	
1. Contract #	
2. Goods or Services Caption	
3. Contractor	
4. **Requestor Contact Information** – *name, e-mail address & telephone #*	
5. Contract Begin Date	
6. Current Contract End Date	
7. Requested Termination Date	
8. Justification *"Termination for convenience" is NOT an acceptable justification; please provide additional justification as applicable.*	
Agency Head Signature & Date – *contracting agency head or authorized signatory*	

• CONTRACT TERMINATION REQUEST

CLEAN VERSION

Contract Termination Request

If a State Agency determines it to be in the best interests of the State to terminate a contract before the contract end date, either for cause or convenience, the head of the State Agency shall request and obtain the approval of the Chief Procurement Officer prior to any notice of contract termination. Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

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7. Requested Termination Date	
8. Justification *"Termination for convenience" is NOT an acceptable justification; please provide additional justification as applicable.*	
Agency Head Signature & Date – *contracting agency head or authorized signatory*	

• SOLICITATION CANCELLATION REQUEST

REDLINE COMPARISON TO 11/18/13 VERSION

Solicitation Cancellation Request

Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

APPROVED	
CHIEF PROCUREMENT OFFICER	DATE

Request Tracking #	
1. Solicitation #	
2. Goods or Services Caption	
3. **Requestor Contact Information** - *name, e-mail address & telephone #*	
4. Approval Criteria *Per T.C.A. § 12-3-502(b) and Rule 0690-03-01-.06(3)*	☐ **Unreasonably high prices or failure of all responses to meet technical specifications** ☐ **Error or defect in the solicitation** ☐ **Cessation of need** ☐ **Unavailability of funds** ☐ **Lack of adequate competition** ☐ **Other reason determined to be in the best interests of the state**
5. Justification	
Agency Head Signature & Date – *contracting agency head or authorized signatory*	

• SOLICITATION CANCELLATION REQUEST

CLEAN VERSION

Solicitation Cancellation Request

Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

APPROVED	
CHIEF PROCUREMENT OFFICER	DATE

Request Tracking #	
1. Solicitation #	
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3. Requestor Contact Information - *name, e-mail address & telephone #*	
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5. Justification	

Agency Head Signature & Date – *contracting agency head or authorized signatory*

• LIMITATION OF LIABILITY REQUEST

REDLINE COMPARISON TO 11/18/13 VERSION

Limitation of Liability Request

In accordance with T.C.A. §12-3-701, approval of the Chief Procurement Officer and the Comptroller of the Treasury is required if the proposed limitation of contractor liability is an amount less than two (2) times the value of the contract; and, approval of the Chief Procurement Officer, Comptroller of the Treasury, and the Commissioner of Finance and Administration is required if the proposed limitation of contractor liability is in excess of two (2) times the value of the contract.

Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

~~APPROVED~~	~~APPROVED~~	~~APPROVED~~
~~CHIEF PROCUREMENT OFFICER DATE~~	~~COMPTROLLER OF THE TREASURY DATE~~	~~COMMISSIONER OF FINANCE & ADMINISTRATION~~ (~~only for >2 times~~)

APPROVED	APPROVED	APPROVED
CHIEF PROCUREMENT OFFICER DATE	COMPTROLLER OF THE TREASURY DATE	COMMISSIONER OF FINANCE & ADMINISTRATION (only for >2 times)

Request Tracking #	
1. Contracting Agency	
2. Solicitation or Contract #	
3. **Requestor Contact Information** – *name, e-mail address & telephone #*	
4. Proposed Contract Period –*with ALL options to extend exercised*	**months**
5. **Anticipated Contract Maximum Liability** – *with ALL options to extend exercised*	**$**

6. Approval of this request will permit a limitation of contractor liability by means of the following contract provision.

E.#. Limitation of Liability. The parties agree that the Contractor's liability under this Contract shall be limited to an amount equal to ( ) times the Maximum Liability amount detailed in Section C.1. and as may be amended, PROVIDED THAT in no event shall this section limit the

Request Tracking #	

liability of the Contractor for intentional torts, criminal acts, or fraudulent conduct.

7. Goods or Services Description — *brief summary only— do NOT restate the proposed scope of service*

8. Potential Risks of Liability to the State Resulting from the Procurement

9. Anticipated Impact of Proposed Limitation of Liability on the State

10. Justification

Agency Head Signature and Date – *MUST be signed by the ACTUAL agency head as detailed on the current Signature Certification. Signature by an authorized signatory is acceptable only in documented exigent circumstances*

• LIMITATION OF LIABILITY REQUEST

CLEAN VERSION

Limitation of Liability Request

In accordance with T.C.A. §12-3-701, approval of the Chief Procurement Officer and the Comptroller of the Treasury is required if the proposed limitation of contractor liability is an amount less than two (2) times the value of the contract; and, approval of the Chief Procurement Officer, Comptroller of the Treasury, and the Commissioner of Finance and Administration is required if the proposed limitation of contractor liability is in excess of two (2) times the value of the contract.

Route a completed request, as one file in PDF format, via e-mail attachment sent to: Agsprs.Agsprs@tn.gov

APPROVED	APPROVED	APPROVED
CHIEF PROCUREMENT OFFICER DATE	**COMPTROLLER OF THE TREASURY DATE**	**COMMISSIONER OF FINANCE & ADMINISTRATION** (only for >2 times)

Request Tracking #	
1. Contracting Agency	
2. Solicitation or Contract #	
3. Requestor Contact Information – *name, e-mail address & telephone #*	
4. Proposed Contract Period –*with ALL options to extend exercised*	**months**
5. Anticipated Contract Maximum Liability – *with ALL options to extend exercised*	**$**

6. Approval of this request will permit a limitation of contractor liability by means of the following contract provision.

E.#. Limitation of Liability. The parties agree that the Contractor's liability under this Contract shall be limited to an amount equal to ( ) times the Maximum Liability amount detailed in Section C.1. and as may be amended, PROVIDED THAT in no event shall this section limit the liability of the Contractor for intentional torts, criminal acts, or fraudulent conduct.

7. Goods or Services Description – *brief summary only– do NOT restate the proposed scope of service*

8. Potential Risks of Liability to the State Resulting from the Procurement

9. Anticipated Impact of Proposed Limitation of Liability on the State

Request Tracking #	
10. Justification	
Agency Head Signature and Date – *MUST be signed by the ACTUAL agency head as detailed on the current Signature Certification. Signature by an authorized signatory is acceptable only in documented exigent circumstances*	

• NONDISCRIMINATION LANGUAGE FOR GRANT MODELS

REDLINE COMPARISON TO 11/18/13 VERSION

PROPOSED CHANGE

Add the following as an optional term to section D of all grant models:

Nondiscrimination

Replace the section with the following ONLY if contracting with a religious organization. ~~An approved rule exception is required to draft the contract with this optional term. (See Rule 0690-03-01-.17(2)(d)).~~

D.8.	Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the basis of any classification protected by ~~the constitution or laws of the United States or the State of Tennessee.~~Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

• NONDISCRIMINATION LANGUAGE FOR GRANT MODELS

CLEAN VERSION

PROPOSED CHANGE

Add the following as an optional term to section D of all grant models:

Nondiscrimination

Replace the section with the following ONLY if contracting with a religious organization.

D.8.	Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the basis of any classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

• HR PRE-APPROVAL ENDORSEMENT

REDLINE COMPARISON TO 11/18/13 VERSION

HR Pre-Approval Endorsement Request
E-Mail Transmittal

TO : Brigitte Tubbs-Jones, Employment Law Counsel
Department of Human Resources
E-mail : Brigitte.Tubbs-Jones@tn.gov

FROM :

E-mail : _____

DATE :

RE : Request for Human Resources Pre-Approval Endorsement

Applicable RFS #
Human Resources Endorsement Signature & Date:
Department of Human Resources

Department of Human Resources (HR) pre-approval endorsement ~~appears to be~~is required pursuant to procurement regulations pertaining to contracts with an individual; contracts that involve training State employees (except training pursuant to an information technology system procurement); or services relating to the employment of current or prospective state employees (interviewing, screening, evaluating, *et cetera*). This request seeks to ensure that HR is aware of and has an opportunity to review the procurement detailed below and in the attached document(s). This requirement applies to any procurement method regardless of dollar amount.

Please indicate HR endorsement of the described procurement (with the appropriate signature above), and return this document via e-mail at your earliest convenience.

Contracting Agency	
Agency Contact (name, phone, e-mail)	
~~**Required Attachments**~~ **Supporting Request** (as applicable – copies without signatures acceptable) ☐ Solicitation Document ☐ Special Contract Request ☐ Amendment Request ☐ ~~Contract~~ Proposed contract or amendment	
Subject HR Service Description (Brief summary of HR services involved. As applicable, identify the contract and solicitation sections related to the HR services.)	

• HR PRE-APPROVAL ENDORSEMENT

CLEAN VERSION

HR Pre-Approval Endorsement Request
E-Mail Transmittal

TO : Brigitte Tubbs-Jones, Employment Law Counsel
Department of Human Resources
E-mail : Brigitte.Tubbs-Jones@tn.gov

FROM :

E-mail : _____

DATE :

RE : Request for Human Resources Pre-Approval Endorsement

Applicable RFS #
Human Resources Endorsement Signature & Date:
Department of Human Resources

Department of Human Resources (HR) pre-approval endorsement is required pursuant to procurement regulations pertaining to contracts with an individual; contracts that involve training State employees (except training pursuant to an information technology system procurement); or services relating to the employment of current or prospective state employees (interviewing, screening, evaluating, *et cetera*). This request seeks to ensure that HR is aware of and has an opportunity to review the procurement detailed below and in the attached document(s). This requirement applies to any procurement method regardless of dollar amount.

Please indicate HR endorsement of the described procurement (with the appropriate signature above), and return this document via e-mail at your earliest convenience.

Contracting Agency	
Agency Contact (name, phone, e-mail)	
Attachments Supporting Request (as applicable – copies without signatures acceptable) ☐ Solicitation Document ☐ Special Contract Request ☐ Amendment Request ☐ Proposed contract or amendment	
Subject HR Service Description (Brief summary of HR services involved. As applicable, identify the contract and solicitation sections related to the HR services.)	

• E-HEALTH PRE-APPROVAL ENDORSEMENT

REDLINE COMPARISON TO 11/18/13 VERSION

E-Health Pre-Approval Endorsement Request
E-Mail Transmittal

TO : Lovel VanArsdale, Office of e-Health Initiatives
Department of Finance & Administration

E-mail : Lovel.Vanarsdale@tn.gov

FROM :

E-mail :

DATE :

RE : Request for eHealth Pre-Approval Endorsement

Applicable RFS #
Office of e-Health Initiatives Endorsement Signature & Date:
Office of e-Health Initiatives

Office of e-Health Initiatives (eHealth) pre-approval endorsement ~~appears to be~~is required pursuant to procurement regulations pertaining to contracts with medical/mental health-related professional, pharmaceutical, laboratory, or imaging type services as a component of the scope of service. This request seeks to ensure that eHealth is aware of and has an opportunity to review the procurement detailed below and in the attached document(s). This requirement applies to any procurement method regardless of dollar amount.

Please indicate eHealth endorsement of the described procurement (with the appropriate signature above), and return this document via e-mail at your earliest convenience.

Contracting Agency	
Agency Contact (name, phone, e-mail)	
~~Required~~ Attachments Supporting Request (as applicable – copies without signatures acceptable) ☐ Solicitation Document ☐ Special Contract Request ☐ Amendment Request ☐ Proposed contract or amendment	
Subject Medical/Mental Health-Related Service Description (Brief summary of eHealth services involved. As applicable, identify the contract and solicitation sections related to eHealth services.)	

Applicable RFS #
____

• E-HEALTH PRE-APPROVAL ENDORSEMENT S

CLEAN VERSION

E-Health Pre-Approval Endorsement Request
E-Mail Transmittal

TO : Lovel VanArsdale, Office of e-Health Initiatives
Department of Finance & Administration

E-mail: Lovel.Vanarsdale@tn.gov

FROM :

E-mail:

DATE :

RE : Request for eHealth Pre-Approval Endorsement

Applicable RFS #
Office of e-Health Initiatives Endorsement Signature & Date:
Office of e-Health Initiatives

Office of e-Health Initiatives (eHealth) pre-approval endorsement is required pursuant to procurement regulations pertaining to contracts with medical/mental health-related professional, pharmaceutical, laboratory, or imaging type services as a component of the scope of service. This request seeks to ensure that eHealth is aware of and has an opportunity to review the procurement detailed below and in the attached document(s). This requirement applies to any procurement method regardless of dollar amount.

Please indicate eHealth endorsement of the described procurement (with the appropriate signature above), and return this document via e-mail at your earliest convenience.

Contracting Agency	
Agency Contact (name, phone, e-mail)	
Attachments Supporting Request (as applicable – copies without signatures acceptable) ☐ Solicitation Document ☐ Special Contract Request ☐ Amendment Request ☐ Proposed contract or amendment	
Subject Medical/Mental Health-Related Service Description (Brief summary of eHealth services involved. As applicable, identify the contract and solicitation sections related to eHealth services.)	

PROPOSED DELETION OF:

SECTION 5.4.7 OF THE *PROCUREMENT PROCEDURES MANUAL OF THE CENTRAL PROCUREMENT OFFICE*

REDLINE VERSION

REQUEST: As these topics are covered in Section 6.4., Local Purchases, request to delete Section 5.4.7. of the *Procurement Procedures Manual of the Central Procurement Office* in its entirety.

~~**1. DELETE:**~~

~~*5.4.7. Informal Written, Verbal or Telephone Quotes.*~~

~~The dollar value limits for informal written, verbal or telephone quotes shall not exceed $50,000 for agencies with Delegated Purchasing Authority. The procurement requirements shall not be artificially divided in order to constitute an informal procurement. The selection of vendors for a one time informal procurement is determined on the vendor's diversity certification status (minority owned, woman owned, Tennessee service disabled veteran owned or small business), geographical location, past performance, and dollar amount of response.~~

~~All purchases exceeding $5,000 shall (or such other amount as approved by the Procurement Commission), be based upon three (3) competitive quotes, when practicable. State Agencies shall actively solicit quotes from minority owned, woman owned, Tennessee service disabled veteran owned and small businesses. A current listing of active and certified diversity business enterprises can be found on the Governor's Office of Diversity Business Enterprise Intranet website at **http://www.tn.gov/businessopp/.** The quotes or a record of quotation shall be filed as part of the procurement file. Signed and dated confirmation of quotes is required for all procurements exceeding $5,000. If quotes are not obtained from diversity business enterprises, the agency must fully document its good faith efforts to solicit quotes from such businesses. Fax or email confirmation is acceptable as written confirmation of quotes on informal purchases not exceeding $50,000 for State Agencies procuring under a Delegated Purchase Authority.~~