

## **CONTRACT, AMENDMENT & RFP FREQUENTLY ASKED QUESTIONS**

### **1. How do I find out the status of a PPCS contract/amendment which has been submitted to the Office of State Procurement (OSP)?**

If your agency has ProAct access, go to the History Tab in ProAct to determine the status of your request in the review process. The Comment Tab may give you additional details. If you need to obtain further information, enter your question on the Comment Screen and click on the “Post and send Email”. The person reviewing your contract/ amendment will receive notification that you have entered a comment that they need to review and act upon.

If you do not have access to ProAct and want to check status, you can send an email to [DOAPCHelpdesk@la.gov](mailto:DOAPCHelpdesk@la.gov). OSP monitors the helpdesk email box frequently and will respond as quickly as possible. Please make certain to include any identifying information you can, such as the agency name, the contractor/ vendor name, the LaGov number (if any), the date it was submitted to OSP, and a brief description of the contract/ amendment.

### **2. How long will it take to get a contract or amendment approved by OSP?**

It is OSP’s aim to process contracts within 15 business days of receipt of a contract or amendment for \$100,000 or more and 10 business days for a contract or amendment for less than \$100,000. This time line applies to contracts that have been submitted with all of the required, complete documents. If the submission is not complete or correct, the processing time may be greater than that time.

### **3. Can OSP expedite the processing of a contract and/or amendment?**

In order to efficiently process the large number of contracts and amendments which require OSP approval, it is our policy to process these contracts/amendments in the order in which they are received, however, it is occasionally necessary to expedite certain contracts. Our goal is to return every contract as expeditiously as possible.

Prudence in requesting expedited service is recommended. Be mindful that deviating from our standard first-in/first-out review process delays the review of contracts submitted prior to yours and consequently the same happens to your contract when others request expedited service. If you need to request expedited service, please do so by sending an email to [DOAPCHelpdesk@la.gov](mailto:DOAPCHelpdesk@la.gov).

**4. When do we need to submit a Board Resolution? Does it have to be on the OSP-PC Form? How long is a Board Resolution Valid? Can we re-use the same Board Resolution?**

- a) Corporations must submit Board Resolutions authorizing the person signing the contract to sign contracts on behalf of the corporation. A board resolution must be submitted with each contract the agency has with that corporation. ProAct agencies should submit the Board Resolution in the Section labeled “Board Resolution” and should bundle the document with the approval package.
- b) If a contractor is a sole proprietor, a Board Resolution is not required.
- c) OSP-PC’s Board Resolution template is only a suggested form. Other Board Resolution forms submitted by corporations may be acceptable
- d) Board Resolutions may be re-used unless the resolution contains terms that limit its use.
- e) Board Resolutions remain valid until revoked unless they contain a time limit. Occasionally, OSP may request an updated resolution.

**5. How do I find out if the contractor has filed a Disclosure of Ownership? When is a Disclosure of Ownership needed to submit my PPCS Contract?**

All in-state (domestic) for-profit corporations must file a Notice of Disclosure of Ownership in order to do business with the state under the Louisiana Corporations laws.

If a contractor has filed a Disclosure of Ownership it is listed under “Amendments on File” on the contractor’s record in the Secretary of State’s database,  
<https://coraweb.sos.la.gov/CommercialSearch/CommercialSearch.aspx>

A copy of the secretary of state page or a copy of the disclosure of ownership that the company filed with the secretary of state should be submitted to OSP if the contractor is a for profit corporation. ProAct Agencies should upload this document in the section labeled “Notice of Disclosure” and bundle it with the package submitted for approval.

**6. If an amendment is close to expiration and I still need time to prepare it, what can I do to avoid disapproval due to untimely submittal?**

For ProAct agencies, the amendment record should be created in ProAct and the Amendment as it will be executed should be uploaded. As long as the record has been created in ProAct before the contract’s expiration date, it will be considered timely. Annotate in the comment section that the record is being created for early date stamp purposes. Once you have the record complete, submit it through the regular review process.

If your agency does not utilize ProAct, you may submit a copy with at least 1 signature to OSPPC by hand-delivery or U.S. Mail at our regular address or by fax. It must be received and date stamped in our office before contract's expiration date.

An expired contract cannot be resurrected; expiration can only be suspended by early date stamping as explained above and then only if extension of the contract is allowed by law. If permitted by law and regulations, a new contract must be prepared once a contract has expired.

**7. Can you please advise if OSP has or will provide guidelines on submitting 5 year contracts that will need to be approved by the JLCB under La. R.S. 39:1615?**

The agency will need to determine if all statutory requirements have been met. <http://www.legis.la.gov/Legis/Law.aspx?d=96094>. The agency must obtain JLCB approval for terms exceeding 3 years unless the contract is exempt.

If an RFP is issued, justification for approval of a 5 year contract must be submitted with the draft RFP and RFP must clearly advise the proposers that a 5 year contract is subject to JLCB approval. All contracts for consideration must be submitted to OSP prior to contract execution.

**8. Do you know of any statutes which indicate to an agency what can/can't/shouldn't be done with a contractor who failed to meet its contractual goals/objectives/deliverables?**

Contractors which fail to meet their contractual goals and objectives or to deliver the promised services, may be in breach of the contract. Agencies should review the contract in question and consult with legal counsel to determine what remedies may be available, including submittal of the contract controversy to the Commissioner of Administration, in accordance with R.S. 39:1672.3.

Prior to contracting, agencies should carefully consider the qualities of the contractor. R.S. 9:1606 provides that an agency must make a written determination of the responsibility of an offerer, before entering into a contract. OSP rules further provide at LAC Title 34, Part V, § 2536E, that in order to be awarded a contract, an offerer must meet standards including financial stability, experience, skills, integrity, and performance. *“Contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of compelling evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill the requirement.”*

OSP rules also provide that no contract for consulting services for \$74,999 or more, or for social services for \$249,999 or more, shall be awarded unless the head of the agency has determined that the contractor is responsible. In most instances, contracts awarded for these amounts require RFPs. A written statement of facts on which this determination was made must be placed in the file. Additional detail on what sources must be consulted is located in LAC Title 34 § 2536E.

Within 60 days following the completion of a professional, personal, consulting, or social service contract, the agency must submit a Contract Performance Evaluation (R.S. 39:1569.1). Among the items required to be in the evaluation is a statement of whether the deliverables were satisfactorily and timely completed and an itemization of any problems encountered with respect to the execution of the contract.

**9. When do the limits for spending apply before we have to send a contract out for RFPs?**

a) Professional Services Contracts do not have a dollar limit and do not require the RFP process. Professional Services are limited to those occupations listed in R.S. 39:1556 A (42). It includes, but is not limited to, lawyers, doctors, dentists, psychologists, certified advanced practice nurses, veterinarians, architects, engineers, land surveyors, landscape architects, accountants, actuaries, claims adjusters, and other professions founded upon prolonged and specialized intellectual training.

b) Personal Services Contracts do not have a dollar limit and do not require the RFP process. Personal Services include, but are not limited to, those occupations listed in R.S. 39: 1556 A (37).

c) Consulting Services can be awarded for up to \$74,999 per 12 months. If multiple years are included in the same contract, no more than \$74,999 may be budgeted or expended for 12 months. Consulting Services are described in La. R.S. 39:1556A (10). Service requirements cannot be artificially divided to exempt contracts from the RFP process. EX: 3 year contract not acceptable if FY1 amount \$61,000, FY2 \$76,000 and FY3 \$60,000.

d) Social Services can be awarded for up to \$249,999 per 12 months. If multiple years are included in the same contract, no more than \$249,999 may be budgeted or expended per 12 months. Social Services are described in La. R.S. 39:1556A(54), as more fully set forth in La. R.S. 39: 1619.

Service requirements cannot be artificially divided to exempt contracts from the RFP process. EX: 3 year contract not acceptable if FY1 amount \$236,000, FY2 \$251,000 and FY3 \$235,000

**10. How do I know if a contract / amendment needs Civil Service approval?**

All contracts / amendments require Civil Service approval unless they are specifically exempt by Civil Service. There are some exemptions that apply to all agencies and some exemptions are specific to certain agencies/ subagencies. The Civil Service Exemptions may be found here:

<http://www.civilservice.louisiana.gov/divisions/employeerelations/Contracts.aspx>

**11. When a change to a contract is requested by OSP, what form do we have to follow? What does it mean that the changes must be initialed? If so, by whom? Do they have to initial at the same time?**

ALL revisions are required to be initialed by both the agency and the contractor on any contract that has already been signed.

When a change is requested, it can be typed or hand-written on the contract. The contract does not have to be re-written or re-typed. All pages on which changes are made must be initialed by all of the parties to the contract. They do not have to be initialed by all parties at the same time – the changes can be initialed by the parties on separate copies of the documents. The agency should have in its file a set of each party’s original initials on a copy of the changes, but OSP will accept scanned copies of initials. If you are a ProAct agency, please submit them in the ProAct file. Otherwise, you may submit them by email to the analyst reviewing your contract.

**12. What contracts/ amendments need approval by the Office of General Counsel and the Attorney General’s Office? How do I submit them to each place?**

Contracts for legal services have to be approved by both the Attorney General’s Office and the Commissioner of Administration (R.S.49:258). The Commissioner of Administration has delegated that authority to the Office of General Counsel. All original contracts (as opposed to amendments) need to be submitted to both places. Office of General Counsel will only review the contract after it has been approved by the Attorney General.

The Attorney General’s office must approve all amendments to contracts for legal services. Amendments to contracts for legal services are not required to be approved by the Office of General Counsel. The Attorney General Submission process is now added to ProAct. If your agency is not on ProAct, you must submit hard copies to the Attorney General’s Office. The physical address for the Attorney General’s office is: 1885 N. Third Street, Baton Rouge, LA 70802. You may request that the Attorney General’s office forward them to the Office of General Counsel.

When a hard copy contract or amendment is submitted to OSP-PC, the signature of the Attorney General’s Office must be present on the document,

ProAct agencies should request approval by OGC by selecting that option on the “Additional Approvals Tab”. The Physical address for Office of General Counsel is: Office of General Counsel, Suite 7-270, 1201 N. Third Street, Baton Rouge, LA 70802

**13. When do I need to get Sole Source Approval and how do I request it?**

A vendor may be considered as a sole source if there is a valid reason to exempt the contract and vendor from the RFP process. If a vendor is the only source to provide the services or has some proprietary process or material associated with the service requirement and does not sell through distributors/dealers, the agency may be able to justify a request for sole source procurement. ProAct agencies should submit Sole Source Requests for Pre-Approval before contract execution; directions may be found in the ProAct Manual on the following link: [http://www.doa.la.gov/ots/pdfs/PROACT\\_ContractsUserGuide.pdf](http://www.doa.la.gov/ots/pdfs/PROACT_ContractsUserGuide.pdf)

If your agency does not use ProAct, you may submit your Sole Source Request to OSP-PC by email to the PC Help Desk at [DOA-PCHelpdesk@la.gov](mailto:DOA-PCHelpdesk@la.gov). Further instructions on what should be included in the Sole Source Approval Request may be found in the Guidelines here: <http://www.doa.la.gov/osp/PC/Training/ProfSvcsGuidelines.pdf>. Once your Sole Source Status request has been approved, you may proceed with the contracting process, which includes creation of a new submission of the contract through ProAct for approval.

#### **14. Is it necessary to have a Request for Proposal approved by OSP before it is posted?**

Yes, any RFP must be approved by OSP prior to posting. OSP is charged by law with supervising the procurement of all services and personal, professional, consulting, and social services needs by the state. Additionally, OSP has statutory authority to provide for contractual forms and specifications used in the confection of all contracts issued under the Louisiana Procurement Code, per R.S. 39:1564. OSP has issued sample RFP templates and contracts for this purpose. The templates are designed to incorporate updates to law, policy and procedure as well as best practices for RFP solicitations. Use of the templates is designed to provide required protections for the state and agency.

Additionally, OSP is required to concur in agency recommendations for contract award prior to an agency issuing a Notice of Intent to Award. See, LAC 34.V.2545.2. “When a final selection has been made, but prior to notice of award, the contract file containing the information outlined in Paragraphs 1-2 above, including the request for proposals, along with a selection memo justifying the final selection, shall be sent to the Office of State Procurement for final concurrence.” OSP approval is required by law for any contract, including those resulting from an RFP, to be valid, under authority of R.S. 39:1595.1, unless otherwise indicated.

Therefore, OSP must approve an RFP or may be unable to support the agency’s recommended award. Also, a contract submitted to OSP lacking such required intermediate approvals is in jeopardy of not receiving final statutory approval.

The sample templates can be obtained here: [Model RFP](#) (Revised 10/25/2018)

Further guidance may be obtained on the website, under Professional Services Guidelines.

- [Professional Services Contract Guidelines](#) (Revised 12/10/2018)

#### **15. What is the proper procedure for getting OSP to review an RFP before it is posted?**

For a ProAct agency, the agency should submit the draft RFP utilizing the process described in the ProAct Manual here: [http://www.doa.la.gov/ots/pdfs/PROACT\\_ContractsUserGuide.pdf](http://www.doa.la.gov/ots/pdfs/PROACT_ContractsUserGuide.pdf)

Please carefully fill in all of the blanks on the Information page, as they will expedite the initial review and response. When the RFP draft is submitted, please also submit the completed RFP Submittal Form <http://www.doa.la.gov/osp/PC/RFPSubmissionForm.pdf>

For a Non-ProAct agency, you should submit the draft RFP and RFP Submission form to the RFP team at [DOA-OSP\\_RFP@La.Gov](mailto:DOA-OSP_RFP@La.Gov)

## **16. What is the procedure for the Procurement Support Team (PST)?**

RFPs or contracts for data processing/information technology contracts over \$225,000 must be reviewed by the PST. At the discretion of the OSP Assistant Director, other consulting services contracts with a value greater than \$225,000 may also require PST review. Meetings are held about every three weeks.

For ProAct agencies, PST request should be submitted through ProAct

For Non-ProAct agencies, please submit your request along with the draft RFP or evaluation materials and contract must be submitted to the OSP PC help desk [DOA-OSP\\_RFP@la.gov](mailto:DOA-OSP_RFP@la.gov) at least two weeks prior to the meeting date requested. More detailed guidelines for submittals to the PST can be found at the following link: <http://www.doa.la.gov/pages/osp/PC/pst.aspx>.

How do I obtain information about the Pre-Qualified Offeror's List?

OSP no longer maintains a Pre-Qualified Offeror's List. Contractors now register through the Vendor process on LAPAC at the following link:

[http://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest\\_user=self\\_reg](http://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest_user=self_reg)

Contractors are also encouraged to review the Hudson and Veterans Initiatives and register if they qualify: <http://www.doa.la.gov/pages/osp/SE/se.aspx>

## **17. What is required by OSP when a vendor has changed its name and/ or tax id number during the term of an existing contract?**

Agencies should use the standard amendment form, and include the new name of the vendor, new tax id number (if applicable). This document should be signed by an authorized person from the new company. In the case of a corporation, a board resolution for this person should also be included. If a vendor has either merged with or bought by a new company, OSP may require proof that the contract has been assigned to the new company and a description of the reorganization.

This should be submitted as a standard amendment in ProAct. LaGov instructions should be consulted to determine whether the existing record can be changed by a "change" to an existing Purchase Order or whether a new Purchase Order will be required. If a new Purchase Order is required, contact the OSP-PC help desk at [DOA-PCHelpdesk@la.gov](mailto:DOA-PCHelpdesk@la.gov) and we will work with you to approve the new Purchase Order in accordance with LaGov's instructions.



**18. I know that resumes are required for consulting contracts awarded from an RFP. Must I submit resumes for consulting contracts awarded without the RFP process?**

Yes. OSP requires that resumes be submitted to provide evidence of the consultants experience and expertise in the scope of services for which you are contracting with them. In the past, resumes have also alerted us to conflicts with ethics laws should the consultant be a current state employee or have been a former state employee.

**19. How long does an RFP take to be approved by OSP? Do we need to provide this to OSP? In what form? Where in ProAct?**

The timeline is dependent on the quality of the draft RFP submitted for review, complexity of the solicitation, and agency's responsiveness to OSP-PC's comments and questions.

For RFPs for recurring services, with minimal changes to the previous RFP, and the use of the OSP-PC template, allow for a minimum of 6 weeks from the date a draft is submitted until approval for publication.

For RFPs for new services or with major changes from a previous RFP, and the use of the OSP-PC template, allow for a minimum of 9 weeks from the date of submission until approval for publication. RFPs should be submitted through PROACT or for LaGov doc-tracking agencies, through LaGov.

If PST review is required, it may take additional time. See the following for a more detailed timeline.



## **RFP Sample timeline**

These time intervals are merely a guide to use in planning for the RFP process. Several steps are dependent on agency activities in the process, including but not limited to, quality of the draft RFP submission, complexity of the solicitation, and agency responsiveness to OSP-PC's comments, questions and suggested revisions.

|   |  |
|---|--|
| Agency Develops RFP Draft   | 4 weeks-12 weeks depending on complexity   |
| Agency internal approvals   | 1-3 weeks  |
| RFP Review by OSP   | 6 weeks – recurring services, with no major changes from previous RFP<br><i>or</i><br>9 weeks - new services or RFP with major changes from previous RFP<br><br>*dependent on agency response to recommended revisions |
| PST Review (if applicable)  | 3-4 weeks (dependent on meeting schedule)  |
| Agency RFP Activities (advertise thru receipt of proposals)       | 5-6 weeks  |
| Evaluation  | 1 week- 4 weeks (depending on complexity and number of proposals received)   |
| OSP Concurrence with Recommended Award                            | 3 weeks  |
| Agency Awards & Negotiations                                      | 1-4 weeks  |
| PST Review of unsigned contract (if applicable)                   | 3-4 weeks (depending on meeting schedule)  |
| Agency makes edits from PST and obtains signatures on contract    | 2-4 weeks  |
| OSP Review & Approval of final Contract(s) and required documents | 3 weeks  |
| Total time to allow   | 25-44 weeks<br>(MINIMUM 6 months to 11 months)   |
| Total time to allow if PST included                               | 32- 52 weeks<br>(MINIMUM 8-8-12 months)  |

**20. What do out of state (foreign) corporations need to do?**

An out-of-state corporation doing business in the state of Louisiana must obtain a Certificate of Authority under La. R.S. 12:301. They can get the paperwork and file with the Secretary of State at <https://coraweb.sos.la.gov/NewRegistration/NewFilingType.aspx> . You may verify that they filed at <https://coraweb.sos.la.gov/CommercialSearch/CommercialSearch.aspx> If you are a ProAct Agency, please upload in the Section labeled “Certificate of Authority” and upload in the approval package.

If a contractor will be physically in the state doing business for less than 30 days a year, they may qualify for an exception from the filing requirements. If they believe they are eligible for this exception, they need to provide the agency with a memo to this effect. If your agency is a ProAct agency, you need to upload this documentation in the Section labeled “Certificate of Authority” and bundle it with your approval package.

**21. Explain how goals, objectives and deliverables are different.**

**Goals** – should be a broad description with general intentions that are intangible

**Objectives** – should be a broad description that is narrow, precise and tangible

**Deliverables** – list of what the contractor is going to be providing in the contract.

**22. Do I have to include the tax id number on contracts?**

If the contractor/ vendor is an individual, the agency may keep the tax id number on file and state that in the contract rather than including the tax id. A company or corporate tax id number should be included in the contract.