

STATE OF NEW JERSEY

DEPARTMENT OF HUMAN SERVICES

SUBJECT: Documents and Conditions Required for Processing, Executing and Documenting a DHS Third Party Contract

EFFECTIVE: This policy circular shall become effective immediately.

PROMULGATED: July 20, 2009

SUPERSEDES: P1.01, Documents and Conditions Required for Processing, Executing and Documenting a DHS Third Party Contract, promulgated February 19, 2008.

I. SCOPE

This policy circular applies to all DHS Third Party Contracts and Individual Provider Agreements.

II. PURPOSE:

The purpose of this circular is to: standardize the requirements for executing a contract Department wide. It is also intended to reduce or eliminate risk to the Department by assuring the inclusion of essential Contract documents in the DHS contract file or on site at the contract provider agency. The DHS also seeks to clarify the requirements pertaining to the documents and to track the receipt and compliance status of required documents.

III. POLICY

A. Minimum requirements:

Contracts shall not be executed without the minimally required documents. The following documents are the minimum required when executing a contract *regardless of the Contract value or funding source or Departmental Component responsible for managing the contract:*

- **DHS Departmental Component Contract Award/Renewal letter;**
- **A list or letter containing the contact persons** in the Departmental Component that are resources for the provider agency, including the name, title, phone and e-mail information. The list would minimally include the Contract Manager or Supervisor, the Contract Administrator and, where applicable, the person responsible for payments;

- **A copy of the Required Documents Checklist (Attachment 1);**
- **Two Standard Language Documents (SLD)**, each with original signatures by the Contract Provider's Board authorized signatory (CPIM, P2.01). The appropriate SLD for the Provider Agency will be identified by the Departmental Component;
- Signed and dated N.J.S.A. 52:34-13.2 (formerly known as **Executive Order 129**);
- Signed and dated Public Law, Chapter 51 and 271 and Executive Order 117(for-profits organizations only)
- Two duplicates of the appropriate Fiscal Budgets: either an **Annex B, B-2** and/or **Budget Summary** each with original signatures by the Contract Provider's Board Authorized signatory (CPIM, P2.01):
 - An **Annex B** (including the Contract Information Form, Contract Expense Summary, Contract Expense Detail-Personnel, Contract Expense Detail-Other than Personnel, and the following six schedules: Cost Allocation Data, Revenue, Applicable Credits, Related Organization, Depreciation/Use Allowance, Cost of Equipment;
 - **An Annex B-2**; or
 - **A Budget Summary**;
- An **Annex A** (or a **description** of the project/initiative) (or an **Annex A Update Form** for a renewal);
- **Performance Outputs** or **Outcomes** (these may be included in the Annex A);
- A copy of the Provider Agency's Insurance Policy Declaration page(s) showing the amounts and types of **insurance to ensure compliance with Policy Circular P8.14, Minimum Standards for Insurance**. The "**State of New Jersey, Department of Human Services and the Departmental Component**" **must be named as the additional insured (and its mailing address)**; Also bonding certificates/insurance must be submitted where applicable (CPIM, P2.01); (Individual Providers' do not have to indemnify the State, however, they **must** provide a copy of their Malpractice Insurance Declaration/face sheet showing the amount of their coverage);

- A copy of the **Certificate of Incorporation** (CPIM, P1.01);
- A completed **Standardized Board Resolution Form** (signed by either the President/Chairperson or Secretary for the Board) stating who is authorized to sign the Contract, invoices and checks relating to the contract, and also addresses other contract commitments. (CPIM, P1.06) and (CRM, 5.3); and
- A copy of the **Certification of Employee Information Report** (Certificate, hereafter) issued by the NJ Department of the Treasury, Division of Contract Compliance and Equal Employment Opportunity (IMP07-1), or a copy of the recently completed EEO Employee Information AA302 form (AA302 hereafter) (the provider agency is responsible for submitting the original completed AA302 to the Division of Contract Compliance for processing and forwarding the Certification to their contract administrator upon completion (within 60 day of submission)).

B. Other requirements

- a. The following documents, if not available at the time the contract is executed, must be provided or be available on site (see Attachment 1 for allowable options) within 30 days of executing the contract:
- A dated, current list of **board members**, their **terms**, the **officers**, each member's **home address**, and any **business address or affiliation**. (CPIM, P1.01);
 - A copy of all **applicable licenses**;
 - A **list of all contracts and grants** to be awarded to the Provider Agency by any federal, State, local government, or private agency during the Contract term. The awarding agency, amount, term, and the type of service(s) of the contract/grant(s) must be listed;
 - A chart showing the **organizational structure** of the Provider Agency (P1.01, P-Misc.03);
 - A copy of the Agency's current **Personnel Manual** or **Employee Handbook**;
 - A copy of the Provider Agency's **Conflict of Interest Policy** (CPIM, P8.05);
 - A copy of the Provider Agency's **Affirmative Action Policy**;

- A copy of the Provider Agency's **By-Laws** (current or latest revision) (CPIM, P1.01) (Note: the cover sheet for the By-laws or each individual policy should show a date of Board review no older than 3 years.);
 - A copy of all **local certificates of occupancy** (where applicable);
 - A copy of the **lease** or **mortgage(s)** (CRM, 4.5);
 - A copy of the **Annual Report to the Secretary of State** (CPIM, P1.01, P1.04);
 - A copy of the **State of New Jersey Business Registration**;
 - A copy of the **Annual Report - Charitable Organization** (CPIM, CO-8, P1.04);
 - A copy of the Provider Agency's most recently completed audit (CPIM, P1.01, P7.06);
 - A copy of the most recent **Tax Exempt Form 990**, if the Agency is an incorporated not-for-profit, or a copy of the most recent **U.S. Corporation Income Tax Return, Form 1120**, if the Agency is incorporated as a for-profit;
 - A copy of the Agency's **Procurement Policy** (CRM, 2.3);
 - A current **Equipment inventory** of items purchased with DHS funds (CPIM, P4.05) (Note: the inventory shall include: a description of the item, a State identifying number or code, original date of purchase, date of receipt, location at the Provider Agency, person(s) assigned to the equipment, etc.);and
 - A copy of all **Subcontracts or Consultant Agreements**, related to the DHS Contracts, signed and dated by both parties (CPIM, P2.01).
 - A copy of a **Business Associate Agreement** (BAA) for Health Insurance Portability Accountability Act of 1996 compliance, if applicable, signed and dated.
 - Reports; any **programmatic, fiscal and close out reports** as required by the contract.
- b. A Departmental Component may require a Provider Agency to complete additional contract forms (e.g. unique reporting or attendance forms). See Attachment #1.

IV. PROCEDURESA. Agency Contract Documents:

The following contract documents are to be returned to the Provider Agency upon execution of the contract:

- **SLD** (one of the two originally signed documents);
- **Annex B, B-2** or **Budget Summary** (one of the two originally signed documents); and
- **Annex A** (or **Annex A Update Form** for a renewal); and
- **Payment Schedule** (if applicable, a copy of completed, signed document).

The remaining, required contract documents may be copied and returned to the Provider Agency; or, if the volume of paper makes this impractical, each document that is included in the official contract can be specifically referenced in a letter to the provider agency acknowledging receipt, approval and its inclusion in the official contract file.

B. Access to documents:

Certain DHS Contracting forms are available for downloading from the DHS website. No documents may be altered in any manner except for the insertion of required information. The DHS Version of the Manuals is the legally binding version.

C. Authorized signatory:

Electronic signatures are permissible per N.J.S.A. 12A:12-3, et seq., and are therefore permissible on documents transmitted electronically. It is up to the Departmental Component to determine if any electronic signature document must be followed up with an originally signed document.

D. Sanctions:

Payment may be withheld until all required documents have been submitted. Non-compliance with this policy may result in a notice of termination to the Provider Agency or any other action deemed necessary by the Departmental Component.

E. Requirements for updating contract documents:

The Provider Agency is responsible to assure that the Departmental Component is provided with updates to any documents that have been changed. Updates are required to be submitted within 10 business days of the change or as otherwise approved by the Departmental Component.

F. Requirements for Policy content:

1. Wherever there is a requirement for an Provider Agency to submit a copy of the Provider Agency's policy for a particular subject matter (e.g. Conflict of Interest, Procurement practices. Affirmative Action, etc.), there is a corresponding DHS policy circular detailing the essential content requirements.
2. Where the Provider Agency's policy does not meet the essential criteria as defined in DHS policy, the Provider Agency's policy must be amended to include the required information. The revised policy must show the date of the revision and the signature of a Board authorized signatory.

G. Provider Agencies that have contracts with more than one DHS Departmental Component must submit duplicate contract documents based on the Departmental Component's requirements.

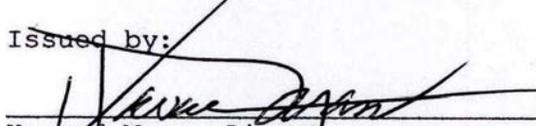
Each Departmental Component maintains its own files and internal procedures regarding contract documents. Therefore, although it may be duplicative to submit certain items to multiple Department Components, this is still necessary.

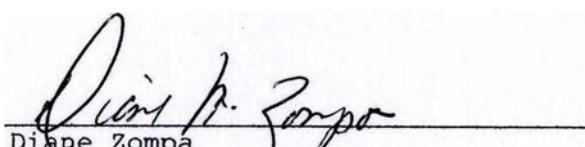
H. Checklist:

The Provider Agency checklist is attached. (Attachment 1)

The Provider Agency

Issued by:


Howard Mass, Director
Office of Administration
Department of Human Services


Diane Zompa

Chief of Staff

Department of Human Services

DEPARTMENT OF HUMAN SERVICES

REQUIRED CONTRACT DOCUMENTS CHECKLIST

Instructions: The Departmental Component is to:

- check off all of the required documents the provider agency needs to submit (or have available for an onsite review, if noted);
- send a copy of this form to the provider agency for signature and return along with the required documents;
- document and monitor the compliance status of the submissions by completing the last four columns; and
- assure this form is completed annually as part of the preparation of a contract package.

Contract # _____
 Contract Agency _____
 Contract Term _____
 Provider Agency's authorized signatory _____

Departmental Component _____
 DHS Reviewer & Title _____

Compliance status-for DHS completion

Required Documents	<u>Agency needs to provide to DHS only if checked</u>	<u>Check if the document submitted is on file and in compliance</u>	<u>Check if NOT in compliance or add other comments</u>	<u>Check if document is to be reviewed at the Agency. Include date when reviewed Onsite</u>	N/A
DHS Award letter					
A Letter /list containing DHS contact persons					
A copy of the Required Contract Documents Checklist					
Two Standard Language Documents					
A Signed/dated N.J.S.A.52:34-13.2 Certification form (Formerly Executive Order 129)					
A Signed/Dated P.L. 2005, Chapters 51 & 271 & Executive Order 117.					
Annex B, B-2 or Budget Summary					
Annex A or Annex A Update					
Performance Outputs/Outcomes					
Copy of Insurance Declaration Page(s) and/or Malpractice Insurance					
Copy of Certificate of Incorporation					
Board Resolution form with authorized Signatories					
Board Resolution/DHS forms for match responsibilities					
A dated current Board Members list					
A copy of all applicable licenses					
A list of all contracts and grants (if not on the Annex B)					
A organizational structure chart					
A copy of the Personnel Manual or Employee Handbook					
Copy of the Certification of Employee Information Report or recent completed Employee Information Report- AA302 form					
Copy of the Provider's Affirmative Action Policy					
Copy of the Conflict of Interest Policy					
Copy of Provider Agency's By-Laws					
A Signed/dated Business Associate Agreement (BAA), if applicable					
Copy of all local certificates of occupancy					
Copy of Lease or Mortgage (s)					
Copy of the Annual Report to the Secretary of State					
Copy of the State of NJ Business Registration					
Copy of the Annual Report-Charitable Organization					
Copy of the latest Audit					
Copy of Tax Exempt Form 990					
Copy of U.S. Corporation Income Tax Return , form 1120					
Copy of Procurement Policy					
Current Equipment Inventory					
Copy of Subcontracts/Consultant agreements					
Copy of signed Payment Schedule, if applicable					
Reports:					
Programmatic					
Fiscal					
Close out					
Other Departmental Component-specific documents (D.C. is to specify documents):					

