



## Information Packet for Contractors and Grant Sub-recipients

This packet is intended to inform entities entering into a grant or contract (agreement) with the Alabama Department of Public Health (ADPH) with the requirements for approval of their agreement with ADPH. An individual at ADPH has been assigned to you to assist you with that process. That person's contact information appears below.

### **Your ADPH Contact Person:**

Name:  
Phone:  
Email:

A draft version of the agreement is included for your review with this packet. Please review the agreement and provide any suggested changes to the document, preferably in redline format, and return the agreement to your ADPH Contact Person via email. **DO NOT SIGN THE AGREEMENT AT THIS TIME.** When the agreement is finalized, a watermarked copy, bearing the ADPH seal, will be forwarded to you for execution.

All of the required documents listed below must be completed and provided with the final, executed agreement. Please begin now to gather information to expedite the final signature process. The executed agreement cannot be submitted for processing and signature by ADPH until all of the required documents have been completed, and the agreement cannot become effective until all of the requisite approvals have been obtained. Your ADPH Contact Person will notify you when the process is complete and the agreement becomes effective.

### **Checklist of Required Documents for Grants and Contracts:**

**Agreement** – The agreement must include the following minimum information:

Contractor/Sub-recipient's Legal Name (the name registered with the Alabama Secretary of State).

Contractor/Sub-recipient's physical address AND billing address must be listed in the Contractor/Sub-recipient's signature block on the last page of the agreement.

Contractor/Sub-recipient's FEIN must be entered on the signature page.

The agreement must be signed and dated.

The entire original executed agreement must be returned to ADPH. Copies are not accepted.

**Certificate of Compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act** – Verifies enrollment in E-Verify for entities that meet the definition of a "business entity" or "employer" on the Certificate of Compliance and employ one or more employees within the state of Alabama.

All blanks must be completed.

The form must have been signed, witnessed, and dated within the past 6 months.

The original document must be returned to ADPH. Copies are not accepted.

**Disclosure Statement** – Must be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000. When a contract is awarded by competitive bid, the Disclosure Statement is required from the successful bidder within ten days of the award. A new Disclosure Statement is required to be filed with each new contract or grant

entered into with the state, even if the Contractor/Sub-recipient has a number of agreements with the state.

All blanks must be completed and boxes checked. If a question does not apply, enter "N/A." The form must have been signed, notarized, and dated within the past 6 months.

\*\*\*NOTE: Notary seal or stamp must be present.

The original notarized document must be returned to ADPH. Copies are not accepted.

**E-Verify Memorandum of Understanding (MOU)** – Required for entities that meet the definition of a "business entity" or "employer" on the Certificate of Compliance and employ one or more employees within the state of Alabama, when the agreement involves more than \$1,500 in funding. Information regarding the federal E-Verify program is available through the U.S. Department of Homeland Security at <https://www.uscis.gov/e-verify>.

Contractor/Sub-recipient's name, address, and FEIN must be identical to the name, address, and FEIN provided in the agreement and the W-9. If required, this information must also match the information listed in the UEI registration.

The entire MOU must be provided, to include the first page, the signature page, the page that includes the TIN number, and any company profile pages that may be applicable. The Company ID number on each page cannot be handwritten.

Department of Homeland Security's electronic signature must be present on the signature page. Employer's electronic signature must be present on the signature page.

If an E-Verify Employer Agent was used, the Employer's "wet" signature, the Employer Agent's electronic signature, and the Department of Homeland Security's electronic signature must be present on the signature page.

**Immigration Status Form** – Required for individuals and sole proprietorships, attesting to the immigration status of employees, using the most recently revised form (April 2017). A photocopy of an acceptable form of identification for the individual (i.e., a driver's license) must also be provided.

**To conduct business with the State of Alabama, Contractors/Sub-recipients must register and be in "Active" status in both Alabama Buys and the State of Alabama Accounting and Resource System (STAARS).**

**Registration with Alabama Buys** – Alabama's E Procurement System, Alabama Buys, can be accessed at <https://alabamabuys.gov/> for all vendors doing business through the State Department of Finance Division of Purchasing.

**Registration with Vendor Self Service (VSS) System** – STAARS' Vendor Self Service (VSS) allows vendors to register an account to do business with the State of Alabama. All vendor interactions - including solicitations, purchase orders, payments, and receipts - are maintained in STAARS and are viewable online.

All vendors doing business with the state must be registered in STAARS, and their VSS accounts should be set up based on the W-9 provided by the vendor. The vendor should verify that the information in STAARS matches the information on invoices submitted for payment pursuant to the contract or grant agreement. ADPH will not approve an invoice submitted for payment if there is a discrepancy between the name on the invoice and the name on the VSS account, including the use of a fictitious business name (DBA). In the event of a discrepancy, the vendor needs to make the necessary updates to its VSS account to resolve the discrepancy.

More information is available at <https://procurement.staars.alabama.gov/webapp/PRDVSS1X1/AltSelfService>.

**W-9** – Required for any individual or entity that is required to file an information return with the U.S. Internal Revenue Service.

The form must have been completed/signed within the past 6 months, using the most recent version of the form (revised October 2018).

Contractor/Sub-recipient's name, address, and FEIN must be identical to the name, address, and FEIN provided in the agreement, the E-Verify MOU, and Contractor/Sub-recipient's registration information in both STAARS and Alabama Buys. If required, this information must also match the information listed in the UEI Number registration.

**\*\*Note: Occasionally, the Contractor/Sub-recipient's information on the W-9 may not be an exact match with the information on the E-Verify. In such instances, the Contractor/Sub-recipient will need to provide ADPH with documentation concerning the discrepancy and an explanation as to why the information doesn't match. ADPH Legal and Finance may then need to consult with the State Comptroller's office for review and approval. Discrepancies of this nature occur most often during mergers or with disregarded entities.**

**\*Additional Information Required for Contracts:**

The Contract Review Report form requires the submitting bureau to list the Members/Owners of the Contracting Entity. All contracts with a legal entity (e.g., LLC, LLP, P.A., P.C., Inc., Corp., etc.) must include the names of the members/owners of the entity on the Contract Review Report.

If this information is not provided, the Contract Review Permanent Legislative Oversight Committee will not approve the contract.

**Additional Information Required for Grants:**

**Budget** – Required to verify how funding will be expended using an ADPH-approved template, including justification for each spending category.

**Federal Funding Accountability and Transparency Act (FFATA) Disclosure Statement** – Requires prime grant award recipients to report sub-award activity and executive compensation for grant agreements with federal funding in the amount of \$30,000 or more.

**Indirect Cost Rate Agreement** – Sub-recipient must provide a copy of its federally negotiated indirect cost rate with the Budget. The Indirect Cost (IDC) Rate Agreement must be current (unexpired). If the IDC Rate agreement is expired, Sub-recipient must provide an approved extension request from Sub-recipient's cognizant organization.

If Sub-recipient does not have a federally negotiated rate, it may use a de minimis indirect cost rate of 10% and must submit a letter on company letterhead stating its acceptance of the de minimis indirect cost rate. Any entity that has ever received a prior approved federally negotiated indirect cost rate – even if it expired long ago – may **not** use the de minimis rate. If Sub-recipient agrees to accept an indirect cost rate that is lower than its federally negotiated

indirect cost rate, it must submit a letter on company letterhead stating that it is voluntarily waiving or reducing its federally negotiated indirect cost rate, including the chosen base and rate. This letter will be attached to the file in the system.

**Unique Entity Identifier (UEI) Number** – Required for grant agreements with \$.01 or more of federal funding. Effective April 4, 2022, the federal government ceased using the Dun and Bradstreet (DUNS) Number as the primary means of entity identification for federal awards and began requiring the UEI Number in place of the DUNS Number. The UEI Number is a permanent twelve-digit alphanumeric identifier assigned by the federal government when registering an entity in Sam.gov in order to bid on federal contracts as a prime contractor or seek federal assistance as a prime awardee. The process for entity registrations includes getting the Unique Entity ID and requires assertions, representations and certifications, and other information about the Sub-recipient. More information is available at <https://sam.gov/content/duns-uei>.

The UEI Number does not expire; however, registrations must be updated and renewed each year to remain in the “active registration” status. If the registration is not updated or renewed, it will be in an “inactive” status, but the entity will still have its same Unique Entity ID. Every Sub-recipient must have an active registration status as of the effective date of its grant agreement and is responsible to provide evidence of an active status throughout the term of the grant agreement.

Contractor/Sub-recipient’s name, address, and FEIN must be identical to the name, address, and FEIN provided in the agreement, the E-Verify MOU, and the W-9. Sub-recipient’s UEI Number must be identical to the UEI Number on the signatory page of the grant agreement and appear in the appropriate field of the FFATA (if monies are \$30,000 or above).

An email including a current screenshot of the Sub-recipient’s profile page in Sam.gov must be provided as verification of Sub-recipient’s name, physical address, UEI Number, and active registration status (including the expiration date of the registration).

**Ancillary Documentation:**

**Business Associate Agreement (BAA)** – In general, a BAA is needed when the Contractor or Sub-recipient creates, receives, maintains, or transmits protected health information (PHI) on behalf of ADPH. A BAA is required if:

1. PHI is being disclosed, and
2. The Contractor/Sub-recipient is not part of ADPH's workforce (workforce members include employees, volunteers and trainees), and
3. The PHI does not meet any of these exceptions:
  - a. The PHI is de-identified.
  - b. The agreement is for transport services (e.g., postal service or courier).
  - c. The PHI is associated with a claim being sent to health plan, payment to a provider, or a fund transfer to financial institution.
  - d. The PHI is being disclosed to Health Oversight Agency as part of a federal or state program.
  - e. The information is being provided as a response to law enforcement or a subpoena.
  - f. The Office of General Counsel has informed you that you are legally required to report the information.

4. The information is not being disclosed for an official investigation or proceeding approved by ADPH's Privacy Officer, and
5. The PHI is not being disclosed to an insurance plan for payment purposes, and
6. The PHI is not being disclosed for research purposes.

\*PHI includes an individual's name, address, date of birth, diagnosis, social security number, or other demographic information that would identify the individual.

**Sole Source Letter** – Approval for sole source purchases is given only if ADPH can establish that no other goods or services can meet its needs and that no other vendor offers substantially equivalent goods or services that can accomplish the purpose for which the goods or services are required.

ADPH must submit a letter for the State Health Officer's signature, addressed to the State Purchasing Director, stating 1) what is unique about the product or service, 2) how this uniqueness is tied to ADPH's business need (i.e., why does ADPH have to have the particular product or service in question), and 3) that the vendor is the only source.

The Contractor/Sub-recipient must provide a dated letter on company letterhead addressed to the State Health Officer, confirming it is the only source for the purchase of the product or service.