

# Agency of Administration Guidance

**Contracts and Grants**

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# Administrative Bulletins

1. The Secretary of Administration is responsible for issuing, rescinding and maintaining Administrative Bulletins under the authority granted in [3 V.S.A § 2222a\(2\)](#)
2. Multiple categories of bulletins
3. <https://aoa.vermont.gov/bulletins>

# Types of Guidance

## 1. Administrative Bulletins

1. Bulletin 3.5 – Procurement and Contracting
2. Bulletin 5 – Grant Issuance & Monitoring

## 2. Finance & Management Policies – including VISION procedures

## 3. Executive Branch Directive Memos

## 4. Human Resources Personnel Policies & Procedures

# Bulletin 3.5 – Procurement & Contracting Procedures

1. Establishes general policy and standards for soliciting, awarding, processing, executing and overseeing contracts
2. The Secretary of Administration updates and re-issues Bulletin 3.5 periodically. May also issue addenda to bulletin 3.5
3. Issued an update to Bulletin 3.5 on December 4, 2023 – streamline and make more efficient while adhering to strong contracting practices

## Bulletin 3.5 – Purpose & Policy

1. Applies to the procurement of all goods & services, regardless of dollar amount
2. Provides guidelines for conducting procurements and establishes benchmarks and protocols to solicit and award contracts with an appropriate level of competition
3. Focuses on obtaining optimal solutions at reasonable prices through procurement efforts that are efficient & cost effective; promote fair and open competition; guard against favoritism, fraud and corruption and protects the interests of the state and its taxpayers
4. Each agency may develop individual processes and policies in addition to the minimum stated requirements

# Bulletin 3.5 – Details

1. Bidding process and requirements – from competitive requests for proposals (RFPs) to simplified bidding
2. Mechanism for exceptions and waivers to bulletin 3.5 on a case-by-case basis including sole source waivers and contracting waiver plans
  1. Some provisions cannot not be waived – Attorney General review, federal requirements
3. Contract drafting requirements – including contract templates and attachments such as Attachment C – “Standard State Provisions for Contracts & Grants”
4. Contract routing and approval process
5. Contract Administration – ensure compliance with contract terms, monitoring invoicing & payments, etc
6. Amendment process
7. Other
8. [https://aoa.vermont.gov/sites/aoa/files/documents/2023-12-04\\_Bulletin\\_3.5\\_Vermont\\_Manual.pdf](https://aoa.vermont.gov/sites/aoa/files/documents/2023-12-04_Bulletin_3.5_Vermont_Manual.pdf)

| BULLETIN 3.5 QUICK REFERENCE GUIDE  |  | Competitive Process                   |                |                         | Prior Approvals Required                       |     |     |     |     |           |     |          |                 |
|---|--|---------------------------------------|----------------|-------------------------|--|-----|-----|-----|-----|-----------|-----|----------|-----------------|
|   |  | Standard Bid                          | Simplified Bid | Pre-Qualified Suppliers | Supervisor <sup>1</sup> (Appointing Authority) | AGO | DFM | SOA | CTO | CIO (PAT) | CMO | Comm DHR | State Treasurer |
| Competitive Process, Waivers & Approvals  | <b>1. Original Contracts Awarded - by Competitive Process</b>  |                                       |                |                         |  |     |     |     |     |           |     |          |                 |
|   | \$1 to \$24,999.99 – Short-Form Contract and Short-Form Attachment C may be used, for one-time, annual services, except for life safety, hazardous materials, transport of persons and data usage/sharing. However, a current insurance certificate must be on file. |                                       |                |                         | ✓  |     |     |     |     |           |     |          |                 |
|   | \$25,000 up to \$250,000   | ✓                                     | ✓              |                         | ✓  | ✓   |     |     |     |           |     |          |                 |
|   | Greater than \$250,000 up to and including \$2,000,000   | ✓                                     |                |                         | ✓  | ✓   |     |     |     |           |     |          |                 |
|   | Greater than \$2,000,000   | ✓                                     |                |                         | ✓  | ✓   | ✓   | ✓   |     |           |     |          |                 |
|   | Zero-Dollar Contracts  | ✓                                     |                |                         | ✓  | ✓   | ✓   | ✓   |     |           |     |          |                 |
|   | Equipment Leases   |                                       |                |                         | ✓  |     | ✓   | ✓   |     |           |     |          | ✓               |
|   | <b>2. Sole Source Requests</b>   |                                       |                |                         |  |     |     |     |     |           |     |          |                 |
|   | Sole Source Request \$24,999 or less   | Direct Award, non-competitive process |                |                         | ✓  |     |     |     |     |           |     |          |                 |
|   | Sole Source Request greater than \$25,000  | Direct Award, non-competitive process |                |                         | ✓  |     | ✓   |     |     |           |     |          |                 |
| Sole Source Request greater than \$100,000  | Direct Award, non-competitive process  |                                       |                |                         |  | ✓   | ✓   |     |     |           |     |          |                 |
| If applicable, IT Sole Source needs CTO approval prior to SOA   | Direct Award, non-competitive process  |                                       |                | ✓                       |  |     |     | ✓   |     |           |     |          |                 |
| <b>3. Original Contract Waiver Requests – Contracting Plans</b>   |  |                                       |                |                         |  |     |     |     |     |           |     |          |                 |
| One Time Waiver Requests Other than Sole Source   | ✓  | ✓                                     | ✓              | ✓                       |  | ✓   | ✓   |     |     |           |     |          |                 |
| Contracting Waiver Plan (*input from this office required if Plan impacts a requirement for the office) |  |                                       |                | ✓                       | *  | ✓   | ✓   | *   | *   | *         | *   | *        |                 |
| Special Contract Type Added Approvals   | <b>4. Contract Types Requiring Additional Approvals (in addition to Prior Approvals listed above #1, 2 and 3)</b>  |                                       |                |                         |  |     |     |     |     |           |     |          |                 |
|   | All IT & Cybersecurity RFXs, including Simplified Bids and Requests for Information  |                                       |                |                         |  |     |     |     |     | ✓         |     |          |                 |
|   | IT & Cybersecurity Contracts regardless of dollar value  |                                       |                |                         |  |     |     |     |     | ✓         |     |          |                 |
|   | Agreements to receive or Access Confidential Information   |                                       |                |                         |  |     |     |     |     | ✓         |     |          |                 |
|   | Marketing Contracts  |                                       |                |                         |  |     |     |     |     |           | ✓   |          |                 |
|   | Privatization Contracts  |                                       |                |                         |  | ✓   |     | ✓   |     |           |     | ✓        |                 |
|   | State of VT Employees & Retiree Contracts  |                                       |                |                         |  |     |     |     |     |           |     | ✓        |                 |
|   | Contracts including a Change Order Processes   |                                       |                |                         |  | ✓   |     | ✓   |     |           |     |          |                 |
|   | Financial Transaction Contracts & Zero-Dollar  |                                       |                |                         |  | ✓   |     | ✓   |     |           |     |          |                 |
|   | Agreements to Receive or Access Confidential Information   |                                       |                |                         | ✓  | ✓   |     | ✓   |     | ✓         |     |          |                 |

- This guide is intended as a quick reference to monetary thresholds, primary waiver conditions, basic contract types and prior approval requirements. It is not all inclusive and is not substitute for reading, understanding, and complying with this Bulletin.
- Additional Agency or Departmental conditions, not included in this Bulletin, may apply.
  - <sup>1</sup> Supervisor – a.k.a. the Appointing Authority: any secretary, commissioner, executive director, elected officer, or other exempt head of a department or agency.
  - <sup>2</sup> Monetary Thresholds are cumulative - if the original contract amount plus all amendments reaches a new threshold; the requirements for the higher threshold apply.
- The State Director of Risk Management must approve of modifications to the insurance provisions in Attachment C.
- The State Auditor of Accounts must approve of modifications to the audit provisions in Attachment C.
- The State Chief Information Security Officer must approve of modifications to the provisions in Attachment C regarding the use and protection of state information.
- Agencies should seek approval from the state officials listed above before requesting AGO approval of any Attachment C modifications.

# Bulletin 5 – Grant Issuance and Monitoring

1. Establishes general policy and standards for issuing and monitoring grant awards issued by the State of Vermont – both state and federally funded
2. All grants must be issued, tracked and monitored by state agencies to ensure the proper use and protection of taxpayer resources in conformity with law, federal uniform guidance and in accordance with the terms of the grant
3. Last issued December 2014 with American Rescue Plan Act (ARPA) State Fiscal Recovery Fund (SFR) update in October 2021
4. Related procedures accompany bulletin – pre-award eligibility, single audit review, grant payments
5. Drafting update now to align with anticipated updated federal uniform guidance
6. [https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin\\_5\\_eff12-26-14.pdf](https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin_5_eff12-26-14.pdf)



# Bulletin 5 – Details

1. Grantor responsibilities:
  1. Each granting agency must have a written, approved grant plan – identifies procedures agencies will follow to ensure grants are issued and monitored in accordance with Bulletin 5
  2. Additional responsibilities for federal awards – uniform guidance – for example, compliance and monitoring
2. Grantee responsibilities:
  1. Perform the services or activities of the grant agreement
  2. Comply with all terms and conditions – including federal requirements
  3. Importance of internal controls

# Bulletin 5 – Details Cont.

1. Pre-award eligibility determination & risk assessment
2. Contractor/Subrecipient determination
3. Drafting the grant agreement – requirements, templates, attachment C
4. Federal Funding Accountability & Transparency Act (FFATA)
5. Grant Tracking in VISION
6. Monitoring of awards – state and federally funded agreements
  1. Subrecipient Annual Report – 45 days after the end of its fiscal year – indicates if a single audit is required
  2. Desk review, on-site monitoring, other audits, etc
7. Closeout of grant awards

# Questions?