The purpose of the Subcontracting Guidelines is to assist contract managers and supervisors with the subcontracting process as well as provide instructions for completing the Subcontracting Request Form.

**BACKGROUND**

Per DOHP 250-14, subcontracting is defined as, *“When a DOH primary contractor makes a written agreement with another provider to perform part of the tasks or work covered in a DOH contract.”* A subcontractor’s IRS status, i.e. self-employed, professional affiliations or associations do not exclude providers from following this process. The DOH policy also prevents primary contractors from subcontracting 100% of the work. Primary contractors must remain responsible for all contract performance.

Division/Office/CHD contract managers may not approve any subcontractor not having an acceptable history with either DOH or the Department of Management Services. The Attachment I of the contract must include language allowing subcontracting and the subcontract must adopt the terms and conditions of the standard contract.

**GUIDELINES**

The provider must request approval to subcontract from the Department. Once the request is received, the contract manager must:

1. Determine whether or not the request is compliant with the procurement instrument and the Attachment 1 of the contract. Thus, review the procurement and contract to determine if subcontracting is allowed.
2. Send the provider the following forms for completion:
	* Subcontracting Request Form;
	* FDOH Contractual Services Background and Drug Screening Determination Checklist;
	* Conflict of Interest Questionnaire (everyone involved in the selection of the subcontractor must complete this form);
	* Recipient-Sub-Recipient and Contractor-Vendor Determination Checklist.

**NOTE**: When communicating with the provider on the need for completing these forms, ensure to convey the due date for returning the forms for review.

1. Receive the completed forms from item #2 above and a copy of the proposed subcontract.
2. Review the completed forms and proposed subcontract. The Subcontracting Request form must be completed accurately, and, in its entirety, which includes:
* Subcontractor Legal Name and Address as listed with the Florida Department of State~~,~~ [SunBiz website](https://dos.myflorida.com/sunbiz/), which should include the officers, directors, and principals to ensure no impropriety or conflicts of interest.
* Verify the recipient/subrecipient/contractor vendor relationship was accurately determined.
* Brief description of the subcontract work.
* Amount of the contract. Determine the percentage of sub-contractual services that will be allocated from the primary agreement.
* Intent to employ current and/or former DOH employees and if any participated in the procurement process. If so, obtain the names and positions of those employees. Determine if, and to what degree, any current or former employees were involved in the procurement process between DOH and the primary contractor.
* Determine if the subcontractor has any other contracts or subcontracts with the Department.
* Ensure the subcontract includes all applicable provisions from the standard contract. The following sections of the Department’s Standard Contract must be included in the subcontract:
	1. L. Backgrounding Screening Requirements and Drug Screening Requirements
	2. M. Civil Rights Requirements
	3. N. Independent Capacity of the Provider
	4. O. Sponsorship
	5. P. Final Invoice
	6. Q. Use of Funds for Lobbying Prohibited
	7. R. Public Entity Crime, Discriminatory Vendor, and Scrutinized Companies
	8. S. Patents, Copyrights, and Royalties
	9. T. Construction or Renovation of Facilities Using State Funds
	10. V. Information Security and Confidentiality of Data, Files, and Records.
* The Provider must attest to the truthfulness of the form and that the required provisions are included in the subcontract.
* **IMPORTANT:** Attest to reviewing the form and consulting with the supervisor and the division director or CHD health officer/administrator. After the consultation, a determination must be made and marked on the form. The contract manager must notify the provider in writing (email) of the final determination and explanation, if applicable.
1. Once subcontracts are approved and an executed copy is received, the contract manager is required to track all active subcontracts using the Subcontracting Tracker Form. Only active or current subcontractors should be listed on the form and updated as new agreements are executed.