



# Subcontract Monitoring Tool

1. Subcontract Monitoring Tool (LSF Standard Contract, 4.6.5.3.) Does the subcontract explicitly include the substance of all clauses contained in the LSFHS Standard Contract relevant to subcontractor compliance in all subcontractors? (Not required - mark only "Yes" or "N/A")
2. Subcontract Monitoring Tool (LSF Standard Contract, 4.6.1) Does the subcontract language communicate that the subcontractor shall not represent to others that it is an agent of LSFHS or the Department and has no authority to bind LSFHS or the Department by virtue of the subcontract, unless specifically authorized in writing to do so in LSFHS' contract with the provider?
3. Subcontract Monitoring Tool (LSF Standard Contract, 4.6.5.1.) Does the subcontract language communicate that the subcontractor is an independent contractor and will not be considered or permitted to be an officer, employee, or agent of LSFHS or the State of Florida?
4. Subcontract Monitoring Tool (LSF Standard Contract, 4.6.5.2.) Does the NSP agree that the Managing Entity and the Department shall not be liable to the subcontractor in any way or for any reason relating to this contract?
5. Subcontract Monitoring Tool (Standard Contract, 4.13) Does the subcontract require that the subcontractor will not offer to give or give any gift to any LSFHS or Department employee during the service performance period of this Contract and or two years thereafter, and that violation of this provision shall result in referral of the Network Service Provider's name and description of the violation of this term to the Department of Management Services for the potential inclusion of the Network Service Provider's name on the suspended vendors list for an appropriate period?
6. Subcontract Monitoring Tool (LSF Standard Contract, 4.2.4.) Certification Regarding Lobbying: If the subcontract contains federal funds over \$100,000, prior to contract execution, is the subcontractor required to complete Certification Regarding Lobbying form, and that if necessary, subcontractor will complete Disclosure of Lobbying Activities forms, and that all forms or documents required by the Certification Regarding Lobbying Form are provided to provider contract manager prior to contract execution?
7. Subcontract Monitoring Tool (LSF Standard Contract, 4.1.1.1.) Does the subcontract include applicable laws, rules, ordinances, certifications, and licensing requirements, and the Department's Children and Families Operating Procedures (CFOP)?
8. Subcontract Monitoring Tool (LSF Standard Contract, 4.1.1.2.) Does the subcontract include requirements to comply with the Department of Financial Services' (DFS) "Reference Guide for State Expenditures" and active DFS Comptroller or Chief Financial Officer Memoranda? If this Contract is funded by state financial assistance, those funds may only be used for allowable costs between the Effective Date and the End Date. Absent the Managing Entity's authorization, unused state financial assistance funds must be returned to the Managing Entity.
9. Subcontract Monitoring Tool (LSF Standard Contract, 4.1.1.3.) Does the subcontract include requirements to comply with the support for individuals with a disability or with limited English proficiency. The Network Service Provider and its subcontractors shall comply with CFOP 60-16, located at: <https://www.myflfamilies.com/resources/policies->
10. Subcontract Monitoring Tool (LSF Standard Contract, 4.1.1.4.) Does the subcontract include requirements to comply with the Nutritional Programs and Activities funded through the Department's Office of Economic Self-Sufficiency, the Network Service Provider and its subcontractors shall also comply



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with USDA Food & Nutrition Service Instruction FNS-113-1 to ensure civil rights compliance and prohibit discrimination in nutrition programs and activities?

11. Subcontract Monitoring Tool (LSF Standard Contract 4.1.1.5.) Does the subcontract include requirements that funds provided under this Contract for the purchase of or improvements to real property are contingent upon the Network Service Provider granting the State a security interest in the property at least to the amount of the State funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. As a condition of receipt of funds for this purpose, if the Network Service Provider disposes of the property before the State's interest is vacated, the Network Service Provider shall refund the pro-rata share of the State's initial investment [(initial investment) x (length of time from purchase to disposal/the term of the security interest)]?

12. Subcontract Monitoring Tool (LSF Standard Contract 4.1.1.6.) Does the subcontract include requirements that if the Subcontractor has one or more Contracts for services with the Agency for Persons with Disabilities, or the Departments of Health, Elderly Affairs, or Veteran's Affairs, the Subcontractor shall provide the following by Notice on each of those Contracts:

- a. The name of the issuing state agency and the applicable office or program;
- b. Identifying name and number;
- c. Starting and ending date;
- d. Total dollar amount;
- e. Purpose and the types of services provided; and
- f. Name and contact information for the state agencies' Contract Manager.

13. Subcontract Monitoring Tool (LSF Standard Contract 4.2.1.) Does the subcontract include requirements to complete an attestation (PUR 1808) as required by §908.111, F.S. and Rule 60A-1.020, F.A.C. A violation of the attestation by the Network Service Provider or subcontractor shall be grounds for termination with cause. Extensions, amendments, and renewals are subject to the requirements of §908.111, F.S.?

14. Subcontract Monitoring Tool (LSF Standard Contract 4.2.2.) Foreign Countries of Concern Prohibition. Does the subcontract include requirements that if the Subcontract has access to an individual's Personal Identifying Information as defined in Rule 60A-1.020, F.A.C. and §501.171, F.S. they must complete an attestation (PUR 1355) as required by §287.138, F.S. and Rule 60A-1.020, F.A.C. A violation by the Network Service Provider or subcontractor shall be grounds for consequences as provided in §287.138, F.S. Extensions and renewals are subject to the requirements of §287.138, F.S.?

15. Subcontract Monitoring Tool (LSF Standard Contract 4.6.5.1.) Did the Network Service Provider get prior written approval from the Managing Entity to subcontract for any of the work contemplated under this Contract?

16. Subcontract Monitoring Tool (LSF Standard Contract 4.7.2.) Does the Subcontract include language the requirement that such resulting Contractors indemnify, defend, and hold harmless the State and the Department, Managing Entity and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including any and all attorney's fees, arising from or relating to any alleged act or omission by subcontractors, their officers, employees, agents, partners, subcontractors, assignees, or delegees alleged caused in whole or in part by Contracted entities, their agents, employees, partners or subcontractors; provided, however, that Contracted entities will not indemnify for that portion of any loss or damages proximately caused by the negligent acts or omissions of the Managing Entity and/or Department. The Network Service Provider shall indemnify, defend, and hold harmless the Managing Entity, State and the Department from the consequences of such a breach?



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17. Subcontract Monitoring Tool (LSF Standard Contract 4.8.1.) Workers' Compensation Insurance (WCI). Does the Subcontract include requirements that they shall self-insure or maintain WCI covering its employees connected with the services provided hereby. The Network Service Provider shall require subcontractors provide WCI for its employees absent coverage by the Network Service Provider's WCI?
18. Subcontract Monitoring Tool (LSF Standard Contract 4.8.2.) General Liability Insurance. Does the Subcontract include requirements that they shall secure and maintain, and ensure subcontractors secure and maintain, Commercial General Liability Insurance, including bodily injury, property damage, personal and advertising injury, and products and completed operations and such insurance shall include the State as an additional insured for the entire length of this Contract?
19. Subcontract Monitoring Tool (LSF Standard Contract 4.8.3.) Cyber/Network Security and Privacy Liability Insurance. Does the Subcontract include requirements to ensure any subcontractor providing Cyber/Network solutions or handling confidential information, secure and maintain liability insurance, written on an occurrence basis, covering civil, regulatory, and statutory damages; Contractual damages; data breach management exposure; and any loss of income or extra expense as a result of actual or alleged breach, violation or infringement of right to privacy, consumer data protection law, confidentiality or other legal protection for personal information with minimum limits?
20. Subcontract Monitoring Tool (LSF Standard Contract 4.14.) Does the Subcontract include requirements that the Subcontract who has any knowledge of a reportable incident shall report such incident, as defined by CFOP 180-4, to the Department's Office of Inspector General and the Network Manager within two business days of discovery through the Internet at: <https://www.myflfamilies.com/about/additional-services-offices/office-inspectorgeneral/investigations/inspector-general> or by completing a Notification/Investigation Request (Form CF 1934) and emailing the request to the Office of Inspector General at [IG.Complaints@myflfamilies.com](mailto:IG.Complaints@myflfamilies.com), and mail or fax the completed forms to the Managing Entity and the Department of Children and Families, Office of Inspector General, The Center, 2415 Monroe Street, Suite 400 - I, Tallahassee, Florida, 32303-4190; or via fax at (850) 488-1428?
21. Subcontract Monitoring Tool (LSF Standard Contract 4.15.3.) Does the Subcontract include requirements to use of the Office of Inspector General's Request for Reference Check (Form CF 774), stating: "As part of the screening of an applicant being considered for appointment to a career service, selected exempt service, senior management, or OPS position with the Managing Entity, Department of Children and Families (Department) or employed with a Contract or Subcontract Network Service Provider, a check with the Office of Inspector General (OIG) is required to determine if the individual is or has been the subject of an investigation with the OIG. The request will only be made on the individual that is being recommended to be hired for the position, if that individual has previously worked for the Managing Entity, Department or a Contract or Subcontract Network Service Provider, or if that individual is being promoted transferred, or demoted within the Managing Entity and/or Department Contract or Subcontract Network Service Provider."?
22. Subcontract Monitoring Tool (LSF Standard Contract 5.3.3.3.) Does the Subcontract acknowledge that the foregoing safeguards, policies and procedures requirements apply to Subcontractor in the same manner as such requirements apply to the Managing Entity and Department; and the Network Service Provider and Subcontractors are directly liable under the civil and criminal enforcement provisions of §§13409 and 13410 of the HITECH Act, 45 CFR §§164.500 and 164.502(E) of the Privacy Rule (42 U.S.C. 1320d-5 and 1320d-6), as amended, for failure to comply with the safeguards, policies and procedures requirements and resulting U.S. Health and Human Services (HHS) guidance thereon?



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23. Subcontract Monitoring Tool (LSF Standard Contract 7.8.1.) Unauthorized aliens shall not be employed. Does the Subcontract include requirement to enroll in and use the E-Verify system established by the U.S. Department of Homeland Security to verify the employment eligibility of its employees and its subcontractors' employees performing under this Contract. Employees assigned to the Contract means all persons employed or assigned (including subcontractors) by the Network Service Provider or a subcontractor during the Contract term to perform work pursuant to this Contract within the United States and its territories

24. Subcontract Monitoring Tool (LSF Standard Contract 8.1.5.) If the subcontractors is a federal subrecipient or pass-through entity, does the Subcontractor state that the Subcontractor who are federal subrecipients or pass-through entities are subject to the following: A Contract award (see 2 CFR §180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines in 2 CFR, Part 180 that implement Executive Orders 12549 and 12689, "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549?

25. Subcontract Monitoring Tool (LSF Standard Contract 8.1.6.) If the subcontractors who are federal subrecipients or pass-through entities, and is determined to be a "subrecipient," as those terms are defined in 2 CFR, Part 200, they must adhere to all the applicable requirements in 2 CFR, Part 200?

26. Subcontract Monitoring Tool (LSF Standard Contract 9.1.) Does the Subcontract include the requirement that, in accordance with the client risk prevention system, Subcontractors will report those reportable situations listed in Department of Children and Families Operating Procedure (CFOP) 215-6 in the manner prescribed in CFOP 215-6?

27. Subcontract Monitoring Tool (LSF Standard Contract 5.3.4.) Does the Subcontract require that Subcontractors may only use or disclose PHI as listed in Standard Contract 5.3.4.

28. Subcontract Monitoring Tool (LSF Standard Contract 5.4.; 5.4.3.-5.4.5.) Does the Subcontract include requirements that if the Subcontractor has access to Managing Entity and/or Department information systems or maintain any client or other confidential information in electronic form circumstances listed in Standard Contract 5.4.1-5.4.6

29. Subcontract Monitoring Tool (LSF Standard Contract 7.9.) Does the provider not award subcontract to perform work as a Contractor, supplier, subcontractor, or consultant with any public entity to any persons or affiliates placed on the convicted vendor list or discriminatory vendor list; provided, however, the prohibition on persons or affiliates placed on the convicted vendor list is limited to business in excess of the threshold amount provided in §287.017, F.S., for CATEGORY TWO for 36 months from the date of being placed on the convicted vendor list?