

XV. ACCOUNTING FOR PAYMENTS TO CONTRACTORS

All contractual payments shall be made through and tracked in the VISION System, in accordance with [VISION Procedure #3 – Purchase Order Procedure](#). Contracts for Service will be coded to the appropriate expenditure account, per the Chart of Accounts, and will no longer default to #507XXX series of accounts. Only those Contract for Service which are definitively categorized as Personal Service or Privatization Contracts, as detailed in Section [IV.B](#) and [IV.D](#), respectively, of this Bulletin will be coded to the #507XXX series of Third Party Personal Service accounts.

In the case of Financial Transaction contracts, including certain “Zero-Dollar” contracts (see section [III](#) Definition) and regardless of whether the State receives the Gross or Net amount, accounting for the transaction must be done in accordance with Generally Accepted Accounting Principles (GAAP).

XVI. COMPLIANCE REVIEWS

In order to promote compliance with the provisions of this Bulletin, the Department of Finance and Management, the Office of Purchasing & Contracting and the Chief Performance Officer may conduct management reviews relative to this Bulletin, as deemed necessary.

XVII. FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT (FFATA)

For some contracts funded through federal awards, the requirements of the Federal Funding Accountability and Transparency Act (FFATA) may apply. Contracting agencies are responsible for determining if a contract meets the requirements of FFATA, including: contractors have a valid DUNS number; are active federal System for Awards (SAM) registrants; and reporting of all subawards (contracts) in the FFATA Subaward Reporting System (FSRS). For additional information about these requirements, refer to Finance and Management [Policy No. 8 ~ Federal Funds Accountability and Transparency Act Compliance](#) and the federal [Uniform Guidance](#) (2 CFR Chapter I, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

XVIII. PUBLIC RECORDS REQUESTS

Agencies should work closely with the AGO, embedded AAG or Agency counsel on public records requests involving contracts and bid documents. Contracts and all documents sent to the State in response to an RFP/RFI are public records which are exempt from disclosure to the public until a contract is awarded and fully executed. Once the contract has been fully executed, or the State has decided not to execute a contract and will not pursue a new or related RFP/RFI process, all documents associated with the bid, including all Vendor proposals and evaluation notes, are then considered available for review by the public.

If an Agency receives a public records request and the response to the request includes materials marked or identified by the bidder as proprietary and confidential according to [1 V.S.A. Chapter 5](#), the Agency shall immediately contract the AGO, embedded AAG or Agency counsel.

XIX. PUBLIC ENDORSEMENTS

Writing a recommendation or giving a recommendation to any Vendor or to any person for their general use, is prohibited. The State cannot give the appearance of “endorsing” a person, product, or company. If one of the bidders produces a written recommendation from the State, it would appear as if the entire process of providing for an “open and fair” bidding process is suspect. It could be interpreted that the State had already “recommended” or endorsed a particular Vendor. Even the appearance of a pre-determined “recommendation” is strictly prohibited. An Agency may respond to a specific inquiry about a specific Vendor or project, but all responses shall be limited to factual statements.

When issuing an RFP, basing an award of a contract on prior work history and experience is only acceptable if the selection criteria specified prior history and experience.

- A. Selection.** Basing an award on prior work history means that the State will take into consideration the Vendor’s prior work for / with the State - good or bad. It also means that the State will weigh work history for all Vendors. For example, if 2 of 3 bidders worked for the State previously and performed well, it is reasonable to assume both would see a positive impact of their work history on their overall scoring under the selection criteria. Every Vendor must have an equal opportunity to win the award based on the selection criteria.
- B. Vendor References.** A Vendor should list prior State work experience and non-State work experience in their RFP response. As part of the RFP review process, both the State and non-State entities listed must be contacted to verify whether the prior work experience was or was not satisfactory. When contact with another unit of State occurs in this fashion, it is considered reference verification and not a “recommendation” or endorsement.

[END SECTIONS XV - XIX]