

**GOVERNOR'S ADDITIONAL CONTRACT QUESTIONS  
FOR PERSONAL AND PROFESSIONAL SERVICES CONTRACTS**

**PART I.** Mark the statutory basis for the claimed exemption from the requirement of "competitive bidding, on sealed bids, to the lowest responsible bidder," Ala. Code § 41-16-20, and any applicable requirements relating to procurement of professional services. See Ala. Code §§ 41-16-72 to -79. Then check all boxes that apply beneath the claimed exemption(s).

- § 41-16-20**
- § 41-16-21(a)**
- § 41-16-21(b)**
- § 41-16-21.1**
- § 41-16-21.2**
- § 41-16-72(1) (attorneys)**
  - Litigation (Hourly)
    - DAG appointment letter attached
    - Governor's rate approval letter attached
  - Litigation (Contingency Fee)
    - DAG appointment letter attached
    - Written determination attached as required by § 41-16-72(1)f.2.
    - Fee within limits prescribed by § 41-16-72(1)f.3. or AG's written authorization for exceeding limits is attached
    - AG's standard contract addendum attached per § 41-16-72(1)f.7.
  - Non-litigation - Justification letter attached for not using in-house counsel or AG
- § 41-16-72(1)(d) (experts)**
- § 41-16-72(2) (physicians)** – Provider selected from AMLC list
- § 41-16-72(3) (architects, engineers, etc.)**
  - RFP, RFQ, or other notice of need for professional services was widely disseminated to the professional community in a full and open manner
  - The contract fees are within the approved fee schedule
- § 41-16-72(4) (other professional: \_\_\_\_\_)**
  - Proposals were solicited from providers on list obtained from Purchasing Division
  - Fees of selected provider do not exceed lowest qualified proposal by 10% or more
  - If fees exceed lowest qualified proposal by 10%, justification letter is attached
- § 41-16-72(7) (exempted agencies)**
- § 41-16-74 (GSA provider)**
- § 41-16-75 (sole source provider)**
  - No other goods or services can meet the needs of the agency, and no other vendor offers substantially equivalent goods or services that can accomplish the purposes of this contract
  - Detailed justification/explanation letter attached
  - Written approval from Purchasing Director or Finance Director attached
- § 41-16-78 (other exemptions/exceptions)**

Questions about this form and any suggestions for revisions may be sent to the Governor's Legal Office  
(334) 242-7120 or [teresa.lee@governor.alabama.gov](mailto:teresa.lee@governor.alabama.gov)

**PART II.** Complete this section ONLY if contract was awarded by RFP or RFQ. Check all that apply.

- Solicitation was posted to online database as required by § 41-4-66.
- The solicitation was distributed to how many providers? \_\_\_\_\_
- The agency received responses/proposals from how many providers? \_\_\_\_\_
- Explanation of how proposals were evaluated:

\_\_\_\_\_

\_\_\_\_\_

**PART III.** Complete this section ONLY if contract is for **IT (Information Technology) related services.**

- Contract is for professional services such as IT consulting or custom software/system design and development, not for off-the-shelf software or off-the-shelf cloud-based product.
- Written approval of OIT attached per § 41-4-285

If exemption from OIT approval is claimed, please explain basis:

\_\_\_\_\_

\_\_\_\_\_

**PART IV.** Complete this section ONLY if contract is for **personal services** (employer-employee relationship).

- Approved by State Personnel Department or its Board in accordance with Section 5-5 of the State of Alabama Fiscal Policy and Procedures Manual

**PART V. COMPLETE THIS SECTION FOR ALL CONTRACTS.**

- Contract is limited to personal/professional services; any goods provided in conjunction with contract have been purchased by competitive bid in accordance with § 41-16-20.
- Contract does not contain a waiver of sovereign immunity.
- Contract does not require the state to indemnify.
- Contract contains all required clauses:
  - Early termination clause on page: \_\_\_\_\_
  - Alternative Dispute Resolution clause on page: \_\_\_\_\_
  - Merit System Exclusion clause on page: \_\_\_\_\_
  - Beason-Hammon (immigration) clause on page: \_\_\_\_\_
  - No-boycott (i.e. free trade) clause on page: \_\_\_\_\_
- Disclosure statement required by § 41-16-82 is attached (or contract is for \$5,000 or less).

**I certify that all the information provided on this form is true, correct, and complete to the best of my knowledge.**

\_\_\_\_\_  
**Agency/Department Head**