

Subcontracts and Agreements

A critical component of successful implementation of Section 4 funded State AT Programs is ensuring the best use of grant award dollars to support statewide, comprehensive State AT Program activities as required by the AT Act. To achieve this goal, many programs use subcontracts and/or other agreements to meet these requirements. Whether or not to outsource services is an important decision that requires careful consideration, including engagement of and discussion with the program's Assistive Technology Advisory Council. There are many different types of agreements used by programs including subcontracts, Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), contracted services agreements, sales and service agreements, etc. The type of agreement is usually dictated by lead agency policies and procedures. Programs may also enter into less formal agreements, without financial support or investment, to collaborate on AT-related services that are mutually beneficial for both the State AT Program and the partner agency.

Common Elements of Agreements

The contract/agreement template and language is often dictated by the Lead Agency. While these will differ, they usually share the following elements:

- Duration of the agreement
- Scope of work
- Deliverables/outcomes
- Level of funding and budget
- Key personnel
- Reporting and evaluation

Qualifications

The following are important qualifications the State AT program may want to include in any formal agreement with a partner agency, especially where funds are provided:

- Agency capacity and accessibility including ADA and 508
- Agency fiscal record
- Agency experience and expertise with AT
- Agency staff qualifications
- Agency ability to assign and/or recruit qualified staff and start immediately upon award
- Ability and willingness to provide timely data collection, tracking, and reporting including consumer satisfaction and successful outcome stories

Subcontracting Considerations

Policies and Processes of the Lead Agency for subcontracting

- If you are an Implementing Entity be certain that your contract with the Lead Agency allows for you to enter into subcontracts before doing so!
- What are the policies and processes of the State AT Program Lead Agency that you may be required to follow?
- What is the anticipated investment in time and effort on the part of Lead/Implementing Agency staff to oversee the issuance and management of subcontracts?
- Will it be a competitive or non-competitive process? What about renewals in subsequent years?
- If it will be a competitive bid (e.g. broadly announced “Requests for Proposal”), will there be enough interested and qualified applicants?
- How much time, effort, and expense will be necessary for an announcement, submittal, review, and award process?
- If competitive, what will the scoring criteria be?
- What will the review process look like? Will the Advisory Council be engaged in this process?
- Will it be a performance-based or activity/deliverables-based agreement?
- Establish ownership of any AT devices purchased through these funds. It is recommended that, should the relationship between the State AT program and the subcontractor be terminated at any point, AT devices be returned to the State AT program.
- How will the State AT Program distribute and track the expenditure of funds in supporting these partnerships?
- What other resources of the State AT Program may be required?

Best Practice Considerations in Developing Requests for Proposal

- Clearly explain needed service(s) and desired outcomes.
- Identify and clearly articulate specific service(s) description and expectations.
- Identify in detail the specific scope of work including performance measures and required outcomes.
- Have clearly identified timelines for duration of the agreement, data collection, and reports; do not rely only upon a yearly report.
- Limit allowable administrative and overhead costs.
- Include the allowable reasons and mechanisms for early termination of the agreement.
- Identify the knowledge, skills, and abilities expected of project staff.



Assistive Technology Act Technical Assistance & Training Center

- Include information on any technical assistance or staff training you may provide.
- If possible, only pay for services rendered. Avoid a start-up payment unless absolutely necessary.
- Monitor the quality of work and consumer satisfaction.

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