

MINNESOTA STATE COLLEGES AND UNIVERSITIES

System Office

REQUEST FOR PROPOSAL (RFP) FOR INTERNAL AUDITING SERVICES

SPECIAL NOTE: This Request for Proposal (RFP) does not obligate the Minnesota State Colleges and Universities system, its Board of Trustees or System Office to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest. Proposals must be clear and concise. Proposals that are difficult to follow or that do not conform to the RFP format or binding specifications may be rejected. Responding vendors must include the required information called for in this RFP. Minnesota State Colleges and Universities reserves the right to reject a proposal if required information is not provided or is not organized as directed. Minnesota State Colleges and Universities also reserves the right to change the evaluation criteria or any other provision in this RFP by posting notice of the change(s) on the Office of Internal Auditing website, <http://www.minnstate.edu/system/ia/>. For this RFP, posting on the captioned website above constitutes written notification to each vendor. Vendors should check the site daily and are expected to review information on the site carefully before submitting a final proposal.

JANUARY 2017
REQUEST FOR PROPOSAL (RFP)
INTERNAL AUDITING SERVICES

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Section I. General Information

Background

Minnesota State Colleges and Universities, or Minnesota State, is the largest provider of higher education in Minnesota and the 5th largest higher education systems in the nation. Created by the legislature in 1995, Minnesota State is comprised of 30 community and technical colleges and 7 state universities with 54 campuses in 47 communities. Minnesota State serves nearly 400,000 students each year. Minnesota State is governed by a Board of Trustees comprised of 15 members appointed by the governor and confirmed by the senate. For more information, visit <http://www.minnstate.edu>.

Nature of RFP

Minnesota State's System Office is requesting proposals to provide co-sourced independent internal auditing services. This RFP is undertaken by the System Office pursuant to the authority contained in provisions of Minnesota Statutes §136F.581 and other applicable laws.

Accordingly, the Minnesota State System Office shall select the vendor whose proposal and oral presentation if requested, demonstrate in the Minnesota State System Office's sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost effective manner. The System Office reserves the right to accept or reject proposals, in whole or in part, and to negotiate separately as necessary in order to serve the best interests of the Minnesota State. This RFP shall not obligate the System Office to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

A second Request for Proposals is also being issued for external auditing services. Responders may submit proposals for both RFPs, but a firm can only be chosen for one body of work.

Project Overview

Minnesota State is seeking proposals for co-sourced internal audit services from qualified sources and may choose more than one service provider. More specifically, Minnesota State requires a supplemental internal audit co-sourcing arrangement with an established rate structure.

- The work or services may or may not require specialized skills and deep industry knowledge.
- The types of services and work requested may include a variety of internal audit staffing and services for a variety of projects including operational, financial, information technology, and compliance audits, risk assessments, fraud investigations, advisory and consulting, data analytics, and professional training.

- Work assigned will be for variable hours and levels of internal audit work, and will be completed under the overall direction of the Executive Director of Internal Audit or his designee.
- Work requested may be for individual staff to supplement MINNESOTA STATE'S internal audit team or for specific projects staffed and led by the CONTRACTOR.
- Personnel assigned to this work will have the appropriate level of skills and experience to perform the engagement.
- The co-sourcing vendor will be responsive and act with speed and flexibility.
- Sub-contracting of this work is not allowed without the express permission of the Executive Director of Internal Audit.
- The vendor will share industry knowledge and best practices with Minnesota State.
- All work will be performed in compliance with the International Standards for Internal Auditing.

This request for proposal does not obligate the Minnesota State to complete the proposed project and Minnesota State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The terms of the contract will be three years from the date of the award with a one to three year renewal option.

Sample Contract

Respondents should be aware of Minnesota State's standard contract terms and conditions in preparing your response. Exhibit C contains a sample of the Minnesota State Professional/Technical Services Contract. Much of the language reflected in the contract is required by statute. If respondents take exception to any of the terms, conditions, or language in the contract, the proposal must indicate those exceptions; certain exceptions may result in a proposal being disqualified from further review and evaluation. Only those exceptions indicated included in proposals will be available for discussion or negotiation.

Reimbursements

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the contractor as a result of the contract will be in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations.

Reimbursements will not be made for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel.

Minnesota will be considered the home state for determining whether travel is out of state. *It is the System Office's preference that these costs are built into the overall pricing rather than being submitted and reimbursed separately.*

Section II. Parties to the RFP

Questions should be directed to the following person:

Dave Pyland, Executive Director of Internal Auditing

Telephone: 651-201-1799

e-mail: dave.pyland@so.mnscu.edu

Other personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

All substantive responses to vendor queries will be made available to all vendors and prospective vendors by posting on the RFP website with the name of the party submitting the question. Note that both questions and answers will be posted on the RFP website and anonymous questions will not be answered. Questions must include the name of the questioner, as well as a phone number and e-mail address for confirmation.

For purposes of this RFP, posting on this website constitutes written notification to all vendors and prospective vendors. Vendors are expected to check the website at www.internalauditing.mnscu.edu/RFP/.

Section III. Vendor Requirements

Proposals should be thorough and as detailed as possible to allow Minnesota State to properly evaluate the Responders capabilities and approach toward providing the required services. Responders are required to submit the following items as a complete proposal.

Responder Background and Information:

- A. Include an outline of the Responder's background, brief history and experience with particular emphasis on higher education or similar clients, including any specific experience with faculty, academics, and student affairs.
- B. Describe the Responder's specialty areas and the size of the organization. Describe the Responder's location and organizational structure.
- C. Describe the nature and extent of the Responder's expertise providing co-sourcing services to clients similar to Minnesota State.
- D. Include the Responder's experience with information technology environments, including any system replacements or conversions.
- E. Identify key personnel who would conduct the projects, with details on training and work experience. No change in key managerial or supervisory personnel assigned to the project

will be permitted without the approval of the Minnesota State Executive Director of Internal.

- F. Describe the depth of expertise the Responder's has in providing data analytics, continuous auditing, institutional research analysis and fraud investigations.
- G. Explain the Responder's capability to provide internal audit assurance services in areas such as information technology, finance, compliance, and operations.
- H. Explain the Responder's capability and experience in performing risk assessments, including enterprise risks, finance risks, general technology risks, information security risks, fraud risks, compliance risks, and operations risks in higher education.
- I. Explain the Responder's capability to provide consulting and advisory services in higher education.
- J. Describe the Responder's experience and ability to provide professional training services and include pricing.
- K. Describe any impending changes in the Responder's organization that could impact the delivery of services to Minnesota State.
- L. List clients willing to serve as a reference on the quality and value of the services provided by the Responder.

Proposal Requirements:

- A. Include a restatement of the objectives, goals, and tasks to show or demonstrate the Responder's view of the nature of the project.
- B. Include evidence of successful completion of an external quality assurance review.
- C. All Responder's are required to complete Exhibit A, the Affidavit of Non-Collusion, and submit it with the response.
- D. Responder must provide a list of all services performed for Minnesota State entities or affiliated organizations in the past 5 years. The list should indicate the name of the entity, the relationship, and the dates of service. In addition please should describe the nature of the work, the cost, and the Minnesota State contact person.
- E. For all contracts estimated to be in excess of \$100,000, all responding vendors are required to complete Exhibit B, the Human Rights Certification Information and Affirmative Action Data Page, and submit it with the response. As required by Minnesota Rule 5000.3600, "It is hereby agreed between the parties that Minnesota Statutes §363A.36 and Minnesota Rule 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. Copies of Minnesota Statutes §363A.36 and Minnesota Rules 5000.3400 - 5000.3600 are available at the Minnesota Office of the Reviser of Statutes website. Failure to comply shall be grounds for rejection.

- F. All materials submitted in response to this RFP will become property of Minnesota State and will become public record after the evaluation process is completed and an award decision made. See the section of this RFP related to Minnesota Government Data Practices Act for information about information the Responder believes to be trade secret materials.

Minnesota State will not consider the prices submitted to Responder to be proprietary or trade secret materials.

Responses to this RFP are available for public review after the Minnesota State awards a contract.

Managing the Relationship with Minnesota State:

Describe the Responder’s process for working with the Minnesota State Office of Internal Audit.

- A. Availability and capacity to deliver key individuals with the knowledge and skills necessary for this work.
- B. Familiarity and capability to conform to the International Standards for the Professional Practice of Internal Auditing.
- C. Process for scheduling firm resources to deliver services.
- D. Supervision of firm resources
- E. Capability to share training, best practices, benchmarks, and emerging industry risks
- F. Process for working with the Minnesota State Office of Internal Audit to administer the overall engagement.
 - 1. Provide resumes of the individuals likely to administer and provide overall oversight to this engagement.
 - 2. Describe your desired invoicing and payment process.

Pricing

Provide hourly costs and your normal blended project rate by level of experience and specialty.

Level of Experience	Non – Information Technology	Information Technology
1 – 3 years		
3 – 5 years		
Greater than 5 years		
Manager		
Subject matter expert		
Project blended rate		

Describe any volume discount breakpoints.

A budget for travel and out of pocket expenses will be developed for each work assignment. See Section I. under Reimbursements.

Information Protection

Describe the protections you will use to safeguard Minnesota State's information from unauthorized use and disclosure.

Section IV. Proposal Evaluation

All proposals received by the deadline will be evaluated by representatives of Minnesota State. In some instances, an interview may be part of the evaluation process. Factors on which proposals will be judged include, but are not limited to, the following:

- A. Qualifications of both firm and its personnel. Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm.
- B. Expressed understanding of proposal objectives.
- C. Cost detail.

In accordance with Minnesota Rules 1230.1810, subpart B and Minnesota Rules 1230.1830, certified Targeted Group Businesses or individuals submitting proposals as prime contractors will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Helpline at 651-296-2600, TTY 651-282-5799.

Section V. Additional RFP Response and General Contract Requirements

Affidavit of Non-Collusion

All responding vendors are required to complete Exhibit A, the Affidavit of Non-Collusion, and submit it with the response.

Human Rights Requirements

For all contracts estimated to be in excess of \$100,000, all responding vendors are required to complete Exhibit B, the Human Rights Certification Information and Affirmative Action Data Page, and submit it with the response. As required by Minnesota Rule 5000.3600, "It is hereby agreed between the parties that Minnesota Statutes §363A.36 and Minnesota Rule 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. Copies of Minnesota Statutes §363A.36 and Minnesota Rules 5000.3400 - 5000.3600 are available from the Minnesota Bookstore, 680 Olive Street, St. Paul, MN 55155.

All responding vendors shall comply with the applicable provisions of the Minnesota Affirmative Action law, Minnesota Statutes §363.A36. Failure to comply shall be grounds for rejection.

Preference to Targeted Group and Economically Disadvantaged Business and Individuals.

In accordance with Minnesota Rules, part 1230.1810, subpart B and Minnesota Rules, part 1230.1830, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a six percent preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a six percent preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at 651.296.2600, or you may reach the Helpline by e-mail at mmd.help.line@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1.800.627.3529.

State Audit

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to Minnesota State and the Legislative Auditor's Office for six (6) years after the termination/expiration of the contract.

Minnesota Government Data Practices Act

The vendor must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by Minnesota State, its schools and the Office of the Chancellor in accordance with the contract and as it applies to all data created, gathered, generated or acquired in accordance with the contract. All materials submitted in response to this RFP will become property of the State of Minnesota and will become public record after the evaluation process is completed and an award decision made. If the vendor submits information in response to this RFP that it believes to be trade secret materials as defined by the Minnesota Government Data Practices Act, the vendor must:

- mark clearly all trade secret materials in its response at the time the response is submitted;
- include a statement with its response justifying the trade secret designation for each item;
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State of Minnesota, Minnesota State, its agents and employees, from any judgments or damages awarded against the State or Minnesota State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives Minnesota State's award of a contract. In submitting a response to this RFP, the responder agrees this indemnification survives as long as the trade secret materials are in possession of Minnesota State.

Conflict of Interest

The vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this Request for Proposal. The list should indicate the names of the entity, the relationship, and a discussion of the conflict. Board Policy 1A.2, Part 5, Subpart E2, stipulates that the Board of Trustees “must approve in advance any non-audit services to be provided by independent auditors under contract for audit services unless the scope of non-audit services is completely distinct from the scope of the audit engagement.”

Physical and Data Security

The vendor is required to recognize that on the performance of the contract the vendor will become a holder of and have access to private data on individuals and nonpublic data as defined in the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, section 270B.02, subdivision 1, and other applicable laws.

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, including but not limited to the laws under Minnesota Statutes Chapters 270B and 13 relating to confidentiality of information received as a result of the contract. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of Minnesota State Colleges and Universities and Minnesota State System Office.

The vendor shall recognize Minnesota State’s sole and exclusive right to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the State of Minnesota, Minnesota State Colleges and Universities and Minnesota State System Office from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held confidential under the provisions of the contract. The vendor must return all source data to the “Authorized Representative” to be identified in the contract.

Section VI. RFP Responses

- A. This document, including attachments, constitutes a formal Request for Proposal (RFP) and is a competitive procurement. Therefore the vendor shall carefully follow the instructions herein in order to be considered fully responsive to the RFP. Minnesota State reserves the right to reject a proposal that is determined to be incomplete or which does not follow the required structure and format. However, when such statements are innocent or inadvertent in the opinion of Minnesota State, Minnesota State further reserves the right to waive them as informalities.
- B. Vendor's response to this Request for Proposal (RFP) must be received at the following address no later than **4 PM on Thursday, February 23, 2017**, as indicated by the date and time stamp on each response package by the Minnesota State mail room, if packages are delivered by U.S. Mail, or by the Minnesota State 3rd floor receptionist if packages are hand-delivered or delivered by courier.

All proposals must be sent to and received by:

Dave Pyland, Executive Director
Minnesota State Office of Internal Auditing
30 East 7th Street, Suite 350
St. Paul, Minnesota 55101-4946

- C. **Late proposals will not be considered.** Responses received after the time set for opening will be returned to the vendor unopened. Fax and e-mail responses will not be considered.
- D. Responders will submit **1 signed original and four copies of the proposal** including all attachments and proprietary information. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. The original copy of the proposal must be signed in ink by an authorized member of the company/firm. Proof of authority of the person signing shall be furnished upon request. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Proposals shall be prepared simply and economically, providing a straightforward, complete, and concise description of capabilities to satisfy the requirements of this RFP.

Each hardcopy of the proposal should be bound in a single volume where practical, and the original copy should be clearly marked on the outside.

Proposals should be organized in the order in which the requirements are submitted in the RFP.

- All pages of the proposal should be numbered.
- Each paragraph in the proposal should reference the paragraph number of the corresponding section of the RFP.

- The proposal should contain a table of contents that cross references the RFP requirements.
 - Any additional material should be attached at the end of the proposal.
 - A WORD version of this RFP will be provided upon request.
- E. The Responder **shall submit an electronic copy of the proposal.**
- F. Responders who submit a proposal may be required to give an oral presentation of their proposal to Minnesota State. Individuals identified as key resources for your proposal should be involved in the oral presentation.
- G. All cost incurred in responding to this RFP will be borne by the responder. Proposals submitted in response to this solicitation are irrevocable for 180 days following the closing date. This period may be extended by written mutual agreement between the responder and the Minnesota State Colleges and Universities.
- H. Proposals made in pencil shall be rejected. Alterations in cost figures used to determine the lowest priced proposal shall be rejected unless initialed in ink by the person responsible for or authorized to make decisions as to the price quoted. Proof of authorization shall be provided upon request. The use of “white out” is considered an alteration.
- I. Notwithstanding anything to the contrary Minnesota State reserves it's right to:
- 1) Reject any and all proposals received in response to this RFP.
 - 2) Select, for contract negotiation, a proposal other than the one with the lowest cost.
 - 3) Waive or modify any informalities, irregularities, or inconsistencies in proposals received and/or accept a late written modification requested by Minnesota State if the proposal itself was submitted on time and if the modified proposal is more favorable to the Minnesota State Colleges and Universities.
 - 4) Negotiate any aspect of the proposal with any vendor.
 - 5) Terminate negotiations and select the next most responsive vendor, prepare and release a new RFP, or take such action as deemed appropriate if negotiations fail to result in an agreement.
- J. Selection Timeline:
- | | |
|--|---|
| Monday, January 30, 2017 | Publish RFP notice in <i>State Register</i> |
| Thursday, February 23, 2017 4:00 p.m. CT | Deadline for RFP proposal submissions |
| Monday-Thursday, Feb. 27-March 2, 2017 | Interviews with firms if needed |
| Thursday-Friday, March 24-25, 2017 | Executive Director makes selection |

**STATE OF MINNESOTA
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury:

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation);
2. That the attached proposal submitted in response to the _____ Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder's Firm Name: _____

Authorized Signature: _____

Date: _____

Subscribed and sworn to me this _____ day of _____

Notary Public: _____

My commission expires: _____

Exhibit B. Human Rights Certification Information and Affirmative Action Data Page

**NOTICE TO CONTRACTORS
AFFIRMATIVE ACTION
CERTIFICATION OF COMPLIANCE**

It is hereby agreed between the parties that MnSCU will require that affirmative action requirements be met by contractors in relation to Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (Minnesota Statutes §363A.36, subdivisions 3 and 4).

Under the Minnesota Human Rights Act, §363A.36, businesses or firms entering into a contract over \$100,000 which have more than forty (40) full-time employees within the state of Minnesota on a single working day during the previous twelve (12) months, or businesses or firms employing more than forty (40) full-time employees on a single working day during the previous twelve (12) months in a state in which its primary place of business is domiciled and that primary place of business is outside of the State of Minnesota but within the United States, must have submitted an affirmative action plan that was received by the Commissioner of Human Rights for approval prior to the date and time the responses are due. A contract over \$100,000 will not be executed unless the firm or business having more than forty (40) full-time employees, either within or outside the State of Minnesota, has received a certificate of compliance signifying it has an affirmative action plan approved by the Commissioner of Human Rights. The Certificate is valid for two (2) years. For additional information, contact the Department of Human Rights, Compliance Services Unit, 190 East 5th Street, Suite 700, St. Paul, Minnesota 55101.

AFFIRMATIVE ACTION DATA PAGE – FOR RESPONSES IN EXCESS OF \$100,000 ONLY

If a response to this solicitation is in excess of \$100,000, complete the information below to determine whether the business or firm is subject to the Minnesota Human Rights Act (Minnesota Statutes §363A.36) certification requirement and to provide documentation of compliance if necessary. *It is the sole responsibility of the business or firm to provide this information and, if required, to apply for Human Rights certification prior to the due date and time of the response and to obtain Human Rights certification prior to the execution of the contract.*

Effective July 1, 2003. The Minnesota Department of Human Rights is authorized to charge a \$75.00 fee for each Certificate of Compliance issued. A business or firm must submit its affirmative action plan along with a cashier's check or money order in the amount of \$75.00 to the Minnesota Department of Human Rights or you may contact the Department for additional information at the Compliance Services Unit, 190 East 5th Street, Suite 700, St. Paul, MN 55101.

How to determine which boxes to complete on this form:

	Then you must complete these boxes...			
	Box A	Box B	Box C	Box D
On any single working day within the previous 12 months, the company...				
employed more than 40 full-time employees in Minnesota.	•			•
did not employ more than 40 full-time employees in Minnesota but did employ more than 40 full-time employees in the state where the company is domiciled.		•		•
did not employ more than 40 full-time employees in Minnesota or the state where the company is domiciled.			•	•

Exhibit B. Human Rights Certification Information and Affirmative Action Data Page

BOX A – For a company which has employed more than 40 full-time employees within Minnesota on any single working day during the previous 12 months,

Its response will be rejected unless the company:

has a current Certificate of Compliance issued by the Minnesota Department of Human Rights (MDHR)

-or-

has submitted an affirmative action plan to the MDHR, which the Department received prior to the date and time the responses are due.

Check one of the following statements if the company has employed more than 40 full-time employees in Minnesota on any single working day during the previous 12 months:

- We have a current Certificate of Compliance issued by the MDHR. Include a copy of your certificate with your response. **Proceed to BOX D.**
- We do not have a current Certificate of Compliance but we have submitted an affirmative action plan to the MDHR for approval which the Department received on _____(date) at _____(time). [If you do not know when the Department received your plan, contact the Department.] We acknowledge that the plan must be approved by the MDHR before any contract can be executed. **Proceed to BOX D.**
- We do not have a Certificate of Compliance and have not submitted an affirmative action plan to the MDHR. *We acknowledge our response will be rejected.* **Proceed to BOX D.**

Note: A Certificate of Compliance must be issued by the Minnesota Department of Human Rights.

Affirmative action plans approved by the federal government, a county or a municipality must still be reviewed and approved by the Minnesota Department of Human Rights before a certificate can be issued.

BOX B - For a company which has not had more than 40 full-time employees in Minnesota but has employed more than 40 full-time employees on any single working day during the previous 12 months in the state where its primary place of business is domiciled,

the company may achieve compliance with the Minnesota Human Rights Act by certifying it is in compliance with applicable federal affirmative action requirements.

Check one of the following statements if the company has not employed more than 40 full-time employees in Minnesota but has employed more than 40 full-time employees on any single working day during the previous 12 months in the state where its primary place of business is located:

- We are not subject to federal affirmative action requirements. **Proceed to BOX D.**
- We are subject to federal affirmative action requirements and are in compliance with those requirements. **Proceed to BOX D.**

Exhibit B. Human Rights Certification Information and Affirmative Action Data Page

BOX C – For a company not described in BOX A or BOX B,

The company is not subject to the Minnesota Human Rights Act certification requirement.

We have not employed more than 40 full-time employees on a single working day in Minnesota or in the state of our primary place of business within the previous 12 months. **Proceed to BOX D.**

BOX D – For all companies

By signing this statement, you certify the information provided is accurate and that you are authorized to sign on behalf of the responder.

Name of Company: _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____ Telephone number: _____

For further information regarding Minnesota Human Rights Act requirements, contact:

Minnesota Department of Human Rights, Compliance Services Unit

Mail: 190 East 5th Street, Suite 700

St. Paul, MN 55101

Metro: 651.296.5663

Toll Free: 800.657.3704

Website: www.humanrights.state.mn.us

Fax: 651.296.9042

Email: employerinfo@therightsplace.net

TTY: 651.296.1283

Exhibit B. Human Rights Certification Information and Affirmative Action Data Page**MINNESOTA STATE COLLEGES AND UNIVERSITIES
NOTICE TO VENDORS****AFFIRMATIVE ACTION CERTIFICATION OF COMPLIANCE**

The amended Minnesota Human Rights Act (Minnesota Statutes §363A.36) divides the contract compliance program into two categories. Both categories apply to any contracts for goods or services in excess of \$100,000.

The first category applies to businesses that have had more than 40 full-time employees within Minnesota on a single working day during the previous 12 months. The businesses in this category must have submitted an affirmative action plan to the Commissioner of the Department of Human Rights prior to the due date and time of the response and must have received a Certificate of Compliance prior to execution of the contract or agreement.

The secondary category applies to businesses that have had more than 40 full-time employees on a single working day in the previous 12 months in the state in which its primary place of business is domiciled. The businesses in this category must certify to MnSCU that it is in compliance with federal affirmative action requirements before execution of the contract. For further information, contact the Department of Human Rights, Compliance Services Unit, 190 East 5th Street, Suite 700, St. Paul, MN 55101; Voice: 651.296.5663; Toll Free: 800.657.3704; TTY: 651.296.1283.

MnSCU is under no obligation to delay the award or the execution of a contract until a vendor has completed the Human Rights certification process. It is the sole responsibility of the vendor to apply for and obtain a Human Rights certificate prior to contract execution.

It is hereby agreed between the parties that MnSCU will require affirmative action requirements be met by vendors in relation to Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600.

Under the Minnesota Human Rights Act, §363A.36, subdivision 1, no department or agency of the state shall execute an order in excess of \$100,000 with any business within the State of Minnesota having more than 40 full-time employees in a single working day during the previous 12 months unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved the Commissioner of Human Rights. Receipt of a Certificate of Compliance issued by the Commissioner shall signify that a firm or business has an affirmative action plan approved by the Commissioner.

Failure by the vendor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the order (Minnesota Statutes §363A.36, subdivisions 3 and 4). A certificate is valid for a period of two (2) years.

Exhibit B. Human Rights Certification Information and Affirmative Action Data Page

DISABLED INDIVIDUAL CLAUSE

A. A vendor shall not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The vendor agrees to take disabled individuals without discrimination based on their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training, including apprenticeship.

B. The vendor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

C. In the event of a vendor’s noncompliance with the requirements of this clause, actions for noncompliance may be taken by the Minnesota Department of Human Rights pursuant to the Minnesota Human Rights Act.

D. The vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices shall state the vendor obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment and the rights of applicants and employees.

E. The vendor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other order understanding, that the vendor is bound by the terms of Minnesota Statutes §363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

It is hereby agreed between the parties that Minnesota Statutes §363A.36 and Minnesota Rules 5000.3400 to 5000.3600 are incorporated into any order of Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600 are available from Minnesota Bookstore, 660 Olive Street, St. Paul, Minnesota 55155.

By signing this statement the vendor certifies that the information provided is accurate.

NAME OF COMPANY: _____

AUTHORIZED SIGNATURE: _____

TITLE: _____

DATE: _____