

Standard Contract Definitions

All defined terms will be initial capped throughout this section for ease of reference.

Acceptance

Written approval by the Department of deliverables to authorize payment for work performed under the contract, subject to subsequent verification of the provider's compliance with contract terms and conditions.

Accreditation

Recognition issued by a national accrediting organization to behavioral healthcare and human services providers for compliance with the established evaluation criteria for service quality. Commonly known accrediting organizations include the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission (formerly named the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the Council on Accreditation (COA).

Accredited

Having received and maintained Accreditation.

Advance Payment

A payment methodology whereby, under certain circumstances, it is possible to make a portion of contract funds available to a provider prior to delivery of the services or expenditure of funds by the provider.

Allowable Cost

Costs that are determined to be allowable under Federal or State Cost Principles.

Allocable Cost

Costs allocable to a contract under Federal or State Cost Principles.

Audit Trail

A paper or electronic record that gives a step by step documented history of a transaction.

Budget

A financial plan that presents a proposed use of revenues and expenditures for purposes described in the accompanying narrative.

Business Day

A Day other than a Saturday, Sunday, or Holiday.

Calendar Day

Any Day in a Calendar Year.

Calendar Year

The twelve consecutive months beginning January 1st and ending December 31st.

Confidential Information (See also Trade Secret)

Public records or portions thereof that are expressly exempted by Florida Statute, Federal law or Federal regulation from the public inspection and copying requirements of chapter 119, Florida Statutes, and which also shall not be disclosed except upon specified conditions.

Contract Manager

See the term as defined in section 402.7305, Florida Statutes.

Contract Monitor

See the term as defined in section 402.7305, Florida Statutes.

Contract Number

A unique five (5) character alpha-numeric code assigned to each contract by the Department for the purpose of tracking actions, documents, records, and payments related to the contract.

Contractor

See "Provider."

Contractual Service

The rendering by a provider of its time and effort rather than the furnishing of specific commodities. The term does not include a contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of a facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255, Florida Statutes, and rules adopted there under.

Convicted Vendor List

A list maintained by the Florida Department of Management Services pursuant to subsection 287.133(3)(d), Florida Statutes, identifying persons or affiliates who are disqualified from the public contracting and purchasing process as the result of a judgment or conviction by any court of competent jurisdiction, whether entered by verdict or plea.

Corrective Action

Action taken by a vendor that will remediate past and present deficiencies in performance and ensure that future performance complies with contract terms.

Corrective Action Plan (CAP)

A Department-approved plan submitted to the Department by a provider that describes the specific acts and timing the provider proposes to ensure that future performance complies with contract terms.

Cost or Pricing Data

Verifiable data pertaining to the financial attributes or compensation of a contract.

Cost Principles

Binding guidance issued by a competent cognizant entity that provides funds to support public services or render financial assistance about what expenditures are permissible in the employment of the funds. Examples of Federal Cost Principles are found in Title 2, Code of Federal Regulations, Parts 215 and 230 (Office of Management and Budget (OMB) Circulars A- 215 and A-122). Examples of State Cost Principles are found in the Department of Financial Services' Reference Guide for State Expenditures.

Cost Reimbursement

Method of Payment used when the Department reimburses the provider for documented and reported expenditures incurred by the provider in performing services in compliance with the contract and in accordance with Cost Principles.

Day

The period beginning at 12:00 AM and ending the moment before the following 12:00 AM, unless clearly stated otherwise.

DCF or Department

The State of Florida, Department of Children and Families.

Disallowed

Expenditures that are determined ineligible for reimbursement, either before or after payment by the Department, under Federal or State Cost Principles.

Executed Contract

A contract that has been signed and dated by authorized representatives of the Department and the Provider.

Exempt Information

Public records or portions thereof that are expressly exempted by Florida Statute, Federal law or Federal regulation from the public inspection and copying requirements of chapter 119, Florida Statutes.

Extension

An increase in the time allowed for the contract period, subject to the limitations of section 287.057(12), Florida Statutes. See subsection 287.012(13), Florida Statutes.

Federal Fiscal Year

The accounting period of twelve (12) months that starts annually on October 1, and ending on September 30 of the succeeding Calendar Year.

Federal Funds

Contract funds originating from Federal sources, which may prescribe conditions for expenditure and reporting.

Finalization of Terms Conference

The meeting(s) that occur after an Intent to Award has been posted, but prior to execution of a contract to finalize the non-material terms of a contract.

Fixed Fee

This is a term traditionally used by the Department to refer to a pre-determined price normally paid in equal sums over a fixed period (such as a month or quarter). The term "Fixed Fee" is no longer used and the term "Fixed Price" is the proper term for this payment method.

Fixed Price

A pre-determined total price set for completion of the service requirements of a contract, normally paid in equal sums over a fixed period (such as a month or quarter), which may be subject to reconciliation of actual allowed expenditures if so provided in the contract.

Fixed Rate

The price paid for a specified unit of service under a unit price contract, where the "unit" is other than a fixed period of time, such as a month. The terms "unit cost" and "unit price" are synonymous with the term "Fixed Rate," as is the term "fixed-rate-per-unit" as used in subsection 215.97(8)(o)2., Florida Statutes.

Governing Law

Any state statute or federal law made applicable by its terms or the circumstances. The term also includes local ordinances to the extent not inconsistent with state statute, federal law and the terms of the contract.

Governing Regulations

Any provisions of the Code of Federal Regulations or the Florida Administrative Code made applicable by their terms or circumstances. The term also includes local ordinances to the extent not inconsistent with the Code of Federal Regulations, the Florida Administrative Code and the terms of the contract.

Grant

An award of State or Federal Financial Assistance.

Grantee

See "Provider".

Grant Recipient

See "Provider".

Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act of 1996, as amended.

HIPAA Regulations

45 Code of Federal Regulations, Parts 160, 162 and 164.

Holiday

Any of the holidays observed by State of Florida agencies pursuant to subsection 110.117(1), Florida Statutes.

Indirect Cost

Any cost that is not directly identified with a single cost category or final cost objective, but is identified with two or more cost categories or final cost objectives or with at least one intermediate cost objective.

License

A document issued by a regulatory entity enabling the licensee to perform some service or operate some activity.

Matching State Funds (State Match)

Contract funds originating from State of Florida revenues, designated as matching Federal Funds, which may be subject to the same conditions for expenditure and reporting as the Federal Funds.

Method of Payment

The manner described in a contract by which a provider will receive compensation in exchange for commodities delivered or services rendered.

Partner

Any person or organization that is not a subcontractor that works in cooperation with a provider to perform the work required by a contract or to otherwise contribute to the Department's goals and objectives, whether or not compensated through the use of public funds.

Performance Based Contract

A contract which contains quantitative or qualitative indicators (performance measures) used to assess a provider's performance against a specified outputs or outcomes (performance standard). Examples of performance measures include: improved scores on achievement tests, increased level of function or ability, increased quality of water, and reduced requirements for subsequent services. Examples of performance standards include: a target number of clients to be served (output), a target number of activities completed on time (output), a 25% reduction in the child abuse/neglect reports for the population served (outcome), and a 10% increase in level of function or ability of the clients served (outcome).

Performance Measures (Performance Measurement)

The standards used by the Department to determine whether work performed by the provider satisfactorily meets the needs of the Department, public, and state.

Performance Period

The period of time within the contract duration during which the provider is to perform services for compensation. This term is synonymous with the term "contract period" as used in chapter 287, Florida Statutes.

Performance Standards

Quantitative and qualitative statements that specify the necessary level of accomplishment of an outcome or output.

Prison Rehabilitative Industries and Diversified Enterprises (PRIDE)

The public corporation that operates a correctional work program to produce or manufacture certain types of commodities or provide selected services as described in Chapter 946, F.S.

Privacy Rule See "HIPAA."

Protected Health Information

Individually identifiable information created or received that relates to the past, present, or future physical or mental health or condition of an individual; the provision of healthcare to an individual; or the past, present, or future payment for the provision of healthcare to an individual. See Title 45, CFR, Part 160.103.

Provider

A Provider is a non-Department signatory to the Contract. In a grant agreement, it refers to the Grantee, recipient or subrecipient. In a contract, the term refers to a Vendor (as defined in section 215.97, Florida Statutes, in accordance with Rule 69I-5.006, Florida Administrative Code) or a "contractor" as defined in Chapter 2 Code of Federal Regulations, Part 200.

Public Entity Crime

See the definition of this term in section 287.133, Florida Statutes.

Public Records

See the definition of this term in section 119.011, Florida Statutes.

Purchase

An acquisition for commodities or services made by the Department or another state agency.

Purchase Order

See this term as defined in Rule 60A-1.001, Florida Administrative Code.

Records Retention

The requirement to keep client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to the contract for specified periods during and after termination of the contract.

Redact (Redaction)

To obscure, mask or delete information from a paper or electronic record.

Renewal

Contracting with the same provider for an additional contract period after the initial contract period, only pursuant to contract terms specifically providing for such renewal and subject to the limitations of subsection 287.057(13), Florida Statutes. See sections 287.012(21) and 287.057(13), Florida Statutes.

Requirement For Corrective Action

A written communication from the Department advising the provider of its noncompliance with the contract terms and the requirement to take Corrective Action.

Secretary

The Secretary of the Department.

State Fiscal Year

An accounting period of at least twelve (12) months starting on July 1, and ending on June 30 of the succeeding Calendar Year.

State Funds

Contract funds originating from State of Florida revenues and subject to State of Florida requirements regarding expenditure, records and reporting.

Statement of Need

A narrative describing the circumstances that necessitate that the Department purchase the services described in the contract.

Statement of Purpose

A narrative relating to the Statement of Need describing the purpose of the contracting activity.

Statement of Work

A narrative describing the work to be performed containing descriptions which include, but are not limited to: (i) what services are to be provided; (ii) how the services are to be provided; (iii) measureable objectives; (iv) products to be delivered; and (v) schedules of performance.

Subcontract

Written contracts between the Provider and a subcontractor, or subgrantee, by or through whom any portion of the services described in the Department's contract with the Provider are performed.

Subcontractor

Any organization or person, other than Provider's direct employees, by or through whom any portion of the services described in a Contract are performed in exchange for consideration, whether by subcontract, subgrant, or other written arrangement with the Provider or a subcontractor, but does not include a supplier or a person providing services in the open market that are entirely incidental to the services performed hereunder.

Time

Time as measured in the Time Zone designated in the contract in accordance with the Uniform Time Act of 1966, as amended.

Trade Secret (see also Confidential Information)

Confidential information meeting the definition in section 812.081(1)(c), Florida Statutes.

Unearned Funds

Funds paid to the Provider under a contract governed by Cost Reimbursement principles and for which no allowable expenditure has been made.

Unit Cost

A term no longer used that is synonymous with Fixed Rate.

Unit Price

A term no longer used that is synonymous with Fixed Rate.

Vendor

A dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. See also "Provider."

Vendor Ombudsman

The state employee that acts as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from the Department. It is a position within the Department of Financial Services responsible for: (i) performing the duties of the DFS pursuant to subsection 215.422(6), Florida Statutes; (ii) reviewing requests for waivers due to exceptional circumstances; and (iii) disseminating information relative to the prompt payment policies of this state and assisting vendors in receiving their payments in a timely manner.