

## **ADMINISTRATIVE ORDER 20-11v1**

REVISED 5/15/20

Milwaukee County has many different types of contracts. Departments must determine for themselves how to best comply with [Administrative Order 20-11v1](#).

### **What is a “mission critical” contract?**

“Mission critical” means the department relies on the service or commodities from the contracting party in order to carry out its operations that are critical to public health or safety. Section I.A.1.ii. of Admin. Order 20-11v1.

This definition generally refers to contracts in which vendors provide essential services on Milwaukee County property or provide essential services to the public on behalf of Milwaukee County. Departments must determine for themselves what contracts meet this definition. For example, some departments may consider all their contracts “mission critical.” That is acceptable. Other departments might have revenue contracts that do not strictly meet the definition “mission critical.” That is also acceptable. The goal of Administrative Order 20-11v1 is to prevent the spread of COVID-19 by asking departments to carefully consider its contracts and, for those contracts that continue, request vendors comply with the terms of the order to the extent necessary, if applicable.

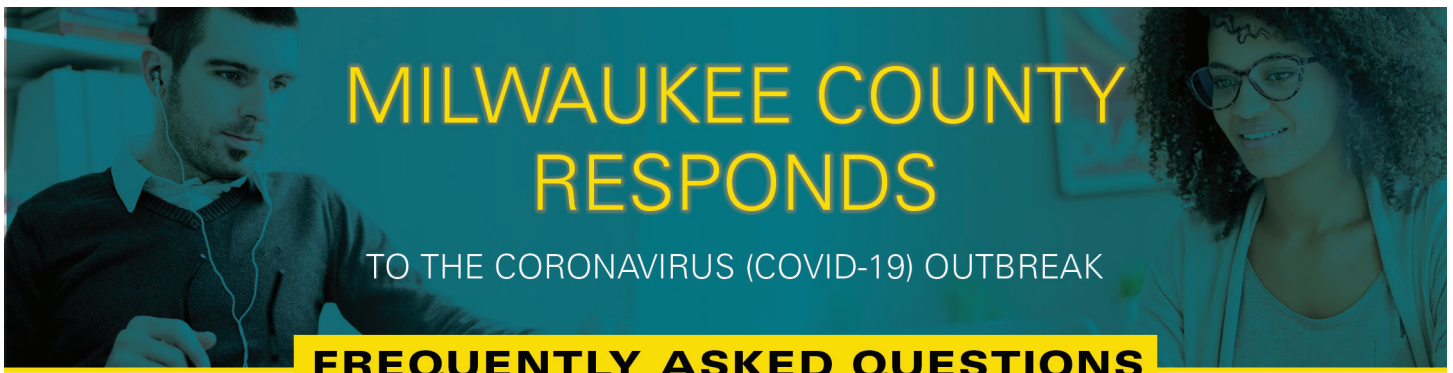
### **Do I need to list every “mission critical” contract on the Mission Critical Contract Tracking Template?**

It depends. The goal of the Mission Critical Contract Tracking Template is to create a repository to share “mission critical” contracts so Milwaukee County can ensure it has the financial resources to fulfill the terms of the contracts and to ensure vendors who should be adhering to COVID-19 risk mitigation practices under Administrative Order 20-11v1 are asked to do so. As noted above, some departments may consider all their contracts “mission critical.” The department must determine for themselves what contracts should be listed on the template. The recommendation is to list those contracts in which the vendor is being asked to follow Administrative Order 20-11v1 and prepare a COVID-19 preparedness plan. Depending on the department, not all contracts should be “mission critical” and not all vendors will have to submit a COVID-19 preparedness plan. For example, a contract to fly in a vendor to provide in-person training during the pandemic is likely not “mission critical,” and should be terminated, if possible, to preserve Milwaukee County resources. A contract to lease a motorcycle likely does not require the vendor to submit a COVID-19 preparedness plan, even though the contract might be considered “mission critical.”

### **Do I need to list “mission critical” contracts that are either revenue contracts or contracts with no value?**

It depends. As noted above, the purpose of Administrative Order 20-11v1 and the tracking template is two-fold: track financial obligations and ensure vendor COVID-19 risk mitigation compliance, if required. If the contract is considered “mission critical” and there is no dollar value

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and the vendor is not required to submit a COVID-19 preparedness plan, submission is likely not required. On the other hand, if the contract uses considerable resources and/or requires vendor compliance (i.e., a revenue contract whereby the vendor provides services on Milwaukee County property), the department probably should list the contract. Last, if the contract is a revenue contract and the vendor does not have to submit a COVID-19 preparedness plan, submission is likely not required. Again, departments must determine for themselves how to best comply with Administrative Order 20-11v1.

**Who is tracking IT and other types of contracts that support departments?**

Departments that have contracts supporting other department are tracking their contracts. If those departments do not have a particular contract on file, the department must locate the contract and determine whether it's "mission critical" and/or should be listed on the tracking template. Any questions regarding supporting contracts should be directed to the managing department.

**Do I have to amend all contracts?**

No. The purpose of Administrative Order 20-11v1 and requirements contained therein is to prevent the spread of COVID-19 by asking departments to carefully consider its contracts and, for those contracts that continue, request vendors comply with the terms of the order to the extent necessary, if applicable. If the contract is a commodities contract (e.g., lease vehicles), the lessor likely does not have to submit a COVID-19 preparedness plan; therefore, the lease would not need amending. Departments must determine for themselves what contracts need amending.

**Do I have to add the "Pandemic Preparedness" clause to all new contracts that are currently being negotiated?**

Yes. (Note: the clause has been added to purchase order Terms and Conditions.)

**Do I need to use the Mission Critical Contract Tracking Template, or can I create my own?**

You can create your own and submit it just as you would submit the provided template.

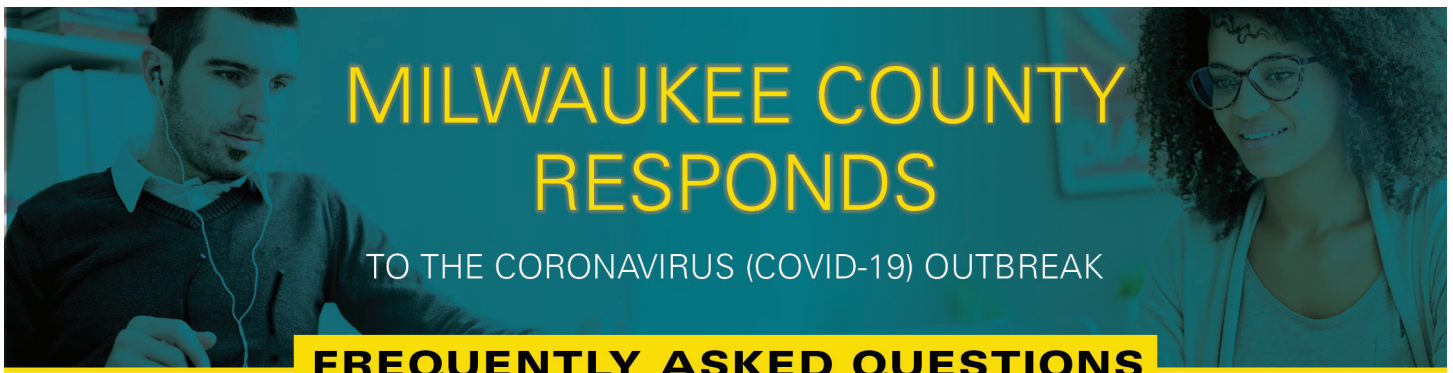
**Do I need to input all contract details?**

Please provide as much information as possible, but the decision of what to include lies with the department.

**Do I need to input Force Majeure, Termination or other clauses?**

Yes.

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**Some contract files contain an RFP proposal, among other information. What do I have to submit?**

Please submit the executed contract that contains the financial information, term, and any termination or Force Majeure clause. Other information, like the RFP, the successful proposal, etc. need not be submitted.

**How should I categorize the contracts?**

Departments must determine for themselves how to categorize contracts. The organization, however, should be clear enough that an individual who works outside the department can clearly identify the contract and managing department and/or division.

**Can I share the COVID-19 Response Plan Checklist with the vendors in our request for a COVID-19 preparedness plan?**

Yes.

**Should vendors submit their Emergency Preparedness Plan prior to or after updating it for the COVID-19 preparedness plan, if required?**

These are two separate concepts, which remain separate or can be incorporated into one plan. Again, the purpose of Administrative Order 20-11v1 is to prevent the spread of COVID-19 and the goal is to require vendors who provide services on Milwaukee County property or provide services to the public on behalf of Milwaukee County to submit a COVID-19 preparedness plan.

**Will the Office of Corporation Counsel provide the exact contract provisions to be incorporated into amendments or new contracts?**

The contract language is included in Administrative Order 20-11v1.

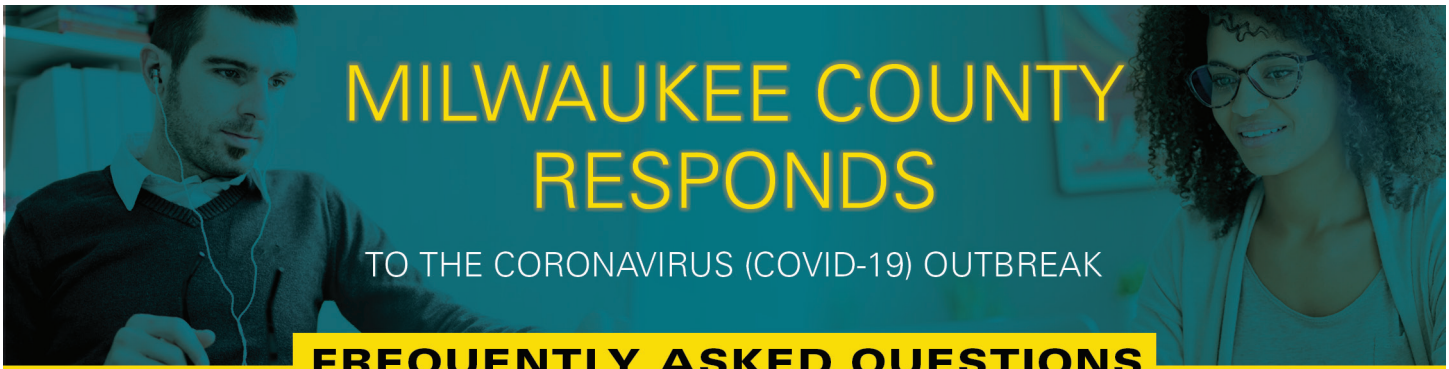
**What contracts require a Fiscal Actions Exemption Form?**

Contracts entered into DocuSign without the form will be rejected. Procurement has published a [DocuSign Procedure for COVID-19 Contract Review Requirements](#). If you cannot access the content online, please contact Procurement.

**Are vendors and contractors required to complete a daily health screening form for all of their employees on Milwaukee County sites?**

No. First, the order largely allows departments to make decisions regarding whether the vendor and contractor should comply with the Response Preparedness Plan Checklist based

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on the operations or services being provided by the vendor or contractor, and the department’s risk assessment of those services or operations. As the FAQ for this order previously stated, departments should “request vendors comply with the terms of the order to the extent necessary, if applicable.” If screening is required, completing a paper form is an option, not a requirement. The Checklist states the vendor should have a plan to complete a Daily Screening form, or “otherwise complete proper screening.” The recently issued Phased Re-opening Guidance for Milwaukee County Services and Facilities Administrative Order 20-13, states that vendors/contractors should comply with the screening method in their Pandemic Preparedness Plan, which is established in coordination with the department. The Re-opening Steering Committee, along with public health guidance, can assist the department with questions on screening.