



Contract

Commodity or Service: Staffing Services for
Professional Positions

Contract No./Request for Bid/Proposal No: ETE0015 (1)

Contract Period: May 13, 2016 through May 12, 2019 with renewal options of two (2) one (1) year periods

1. This Contract is entered into by the State of Wisconsin, Department of Employee Trust Funds (ETF) hereinafter referred to as the "Department", and between the 22nd Century Technologies, Incorporated hereinafter referred to as the "Contractor", whose address and principal officer appears on page 2. The Department is the sole point of contact for this Contract.
2. Whereby the Department of Employee Trust Funds agrees to direct the purchase and the Contractor agrees to supply the Contract requirements cited in accordance with the State of Wisconsin standard terms and conditions and in accordance with the Contractor's proposal dated March 8, 2016 hereby made a part of this Contract by reference.
3. In connection with the performance of work under this Contract, the Contractor agrees not to discriminate against any employees or applicants for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5), Wis. Stats., sexual orientation as defined in s.111.32(13m), Wis. Stats., or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor further agrees to take affirmative action to ensure equal employment opportunities. The Contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
4. Contracts estimated to be over fifty thousand dollars (\$50,000) require the submission of a written affirmative action plan. Contractors with an annual work force of less than fifty (50) employees are exempted from this requirement. Within fifteen (15) business days after the award of the Contract, the plan shall be submitted for approval to the Department. Technical assistance regarding this clause is provided by the Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931, 608.261.7952, or via e-mail at ETFProcurement@etf.wi.gov.
5. Contractor agrees to all duties and tasks identified in Exhibit A-ETF Professional Services Contract Process, Contractor Onboarding Process dated May 10, 2016. Any modifications to the process must be communicated in writing and agreed to prior to any implementation.
6. Contractor agrees to respond to Exhibit B-ETF ETE0015 Professional Staffing Services – Position Request which is an Outlook File Template (oft) or an electronic template provided to the Contractor as a notification of an ETF position needed.
7. ETF shall conduct reference checks after potential Contractor candidates are selected as the top candidate for the position.
8. Contractor's candidates that fill any ETF positions are restricted from having discussions with ETF Managers or Supervisors about price increases. Any price increase discussions shall occur between ETF and the Contractor directly and will only be considered after the original candidate's or worker's duration or term has been completed.
9. Clarification to RFP Section 2.1.10 Unacceptable Personnel, the Contractor's Staff that "shall be promptly and without delay removed by the Contractor" means the Contractor is required to come physically to the ETF location of the terminated Contractor's Staff and escort them out of the building.
10. Contractor shall submit electronic invoices and timesheet hours for payment via an email to ETFSMBAccountsPayable@etf.wi.gov and the ETF Supervising Manager once per month no later than five (5) business days following the end of each month.
11. Contractor shall comply with all provisions of the Patient Protection and Affordable Care Act (ACA) applicable to Contractor's Workers (Worker is defined in section 1.2.2 of the RFP), including the employer shared responsibility provisions relating to the offer of 'minimum essential coverage' to 'full-time' employees (as those terms are defined in Internal Revenue Code (IRC) s. 4980H and related regulations) and the applicable employer information reporting provisions under IRC s. 6055 and s. 6056 and related regulations.
12. For purposes of administering this Contract, the Order of Precedence is:
 - A). This Contract with 22nd Century Technologies, Incorporated;
 - B). the Request for Proposal (RFP) dated February 9, 2016, and;
 - C). Contractor's proposal dated March 8, 2016.

Contract Number & Service: ETE0015 (1) Staffing Services for Professional Positions

State of Wisconsin	
Department of Employee Trust Funds	
By (Name)	
Pamela S. Henning	
Signature	<i>Pamela S Henning</i>
Title	Assistant Deputy Secretary Department of Employee Trust Funds
Phone	
608.267.2929	
Date (MM/DD/CCYY)	<i>05/17/16</i>

<u>Contractor to Complete</u>	
Legal Company Name	22nd Century Technologies, Incorporated
Trade Name	22nd Century Technologies, Incorporated
Taxpayer Identification Number	22-3502121
Company Address (City, State, Zip)	1 Executive Drive, Suite #285 Somerset, NJ 08873-4003
By (print Name)	Eva Gaddis-McKnight
Signature	<i>Eva Gaddis-McKnight</i>
Title	Administrator
Phone	888.998.7284
Date (MM/DD/CCYY)	05/13/2016