

Questions and Responses to Alternative to Abortion Initiative RFP

1. Has DCFS issued a directive stating that non-compete clauses may not be used in sub grantee contracts in the Alternatives to Abortion Initiative?

The Department has not issued a directive. However, all DCFS contracts are subject to compliance with both federal and state law. DCFS refers all proposers to the LA. Procurement Code for state law governance and 45 C.F.R. 92.36 which regulates competition in the procurement process when TANF funds are used as the funding source.

2. If a directive exists,

Answer: *Not applicable.*

2a. Does the directive provide that any sub grantee contracts that include non-compete clauses are null and void as against public policy?

Answer: *Not applicable.*

2b. Does the directive provide that any sub grantee contracts that include non-compete clauses are null and void as interfering with the right to contract?

Answer: *Not applicable.*

2c. Does the directive provide that any sub grantee contracts that include non-compete clauses are null and void as potentially violative of the state's procurement code requirement of good faith and fair dealing?

Answer: *Not applicable.*

3. If a DCFS directive states that sub grantee contracts that include non-compete clauses are null and void, are all pregnancy centers free to apply for state funds under any DCFS Proposer for the 2016-2019 funding cycle? Further, the pregnancy centers are not legally required to apply for funds under their current grant administrator?

Answer: *Not applicable.*

4. If DCFS issued a directive addressing non-compete clauses in sub grantee contracts, is it available upon request?

Answer: *Not applicable.*

5. Are confidentiality clauses that prohibit communication about any aspect of the subcontract null and void as against public policy for the same reasons asked above in Questions 2(a)-(c)?

Answer: DCFS has not issued a directive regarding sub grantee contracts and confidentiality clauses. See 2(a)-(c). However, all DCFS contracts are subject to compliance with both state and federal law.

6. If DCFS issued a directive addressing confidentiality clauses in sub grantee contracts, is it available upon request?

Answer: DCFS has not issued a directive addressing confidentiality clauses in sub grantee contracts.