



PROCEDURES FOR CONTRACT/MOU REVIEW AND SUBMISSION

Business Services – Purchasing-Contracts Department
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Board Policy/Administrative Procedure References

- BP/AP 6100 - Delegation of Authority to the Superintendent/President
- BP/AP 6150 – Designation of Authorized Signature
- BP/AP 6340 - Bids and Contracts
- AP 6350 - Contracts – Construction
- AP 6360 – Contracts – Electronic Systems and Materials
- AP 6370 – Contracts – Personal Services

Required Use of Request for Contract/MOU Form

A **Request for Contract/MOU (RFC) form** (located on Purchasing & Contracts Services webpage) is required to be used by all divisions/departments for preparing an AVC Standard boilerplate contract (aka agreement) or reviewing a Vendor’s contract/MOU (non-standard contract). A **Request for Contract/MOU (RFC) Amendment form** (located on Purchasing & Contracts Service webpage) is required to be used by all divisions/departments for renewing a contract/MOU or amending a contract/MOU. These forms require the Requester to confirm that the District’s administrative staff are aware and approve that the proposed contract/MOU has been reviewed and authorized for submission for signature. These forms also identify the following:

- Whether contract/MOU is either a standard or non-standard contract/MOU;
- Livescan (Fingerprinting) Requirements (allow up to 30 days);
- Scope of work;
- Dollar amount of the proposed contract/MOU; and
- Funding source via a FOAP

Timelines

Timelines for Purchasing contract/MOU preparation or review must be adhered to by Requesters submitting requests for review to Purchasing:

- a. AVC Standard Boilerplate Contracts – 3 – 5 business days
- b. Vendor’s Contract/MOU (non-standard) – 5-10 business days

Requesters are encouraged to submit RFC and RFC Amendment forms for review at least 30 days prior to the anticipated Board agenda deadline for the Board meeting at which the proposed contract/MOU is to be considered, so as to allow sufficient time for review, negotiation, editing, Livescan (fingerprinting), and finalization of the proposed contract/MOU.

Non-Standard Contracts/MOUs requiring immediate action may, upon approval of the Superintendent/President (and allowance by the District’s Board of Trustees delegated authority), be submitted to Purchasing for review and for the Superintendent/President signature in advance of a scheduled Board meeting, subject to ratification by the District’s Board of Trustees. Please see Urgent Contract/MOU Procedure.

Standard Contract Procedure

An AVC Standard Contract is an agreement or contract, drafted by the District, for use for transactional business activities. These standard contracts have been approved by the Board of Trustees and shall not

be edited or altered in any manner, unless approved by the Purchasing and Contract Services Department.

Process for Standard Requests:

1. Requester completes an AB5 Checklist (located on the Purchasing and Contract Services Webpage); if checklist results in the action to submit a Request for Contract/MOU form (RFC), the requester proceeds with step 2. NOTE: This step can be skipped if processing a Request for Contract/MOU Amendment.
2. Requester completes the RFC or RFC Amendment.
3. Requester forwards RFC with required attachments to their Dean/ Director for review and signature.
4. Dean/Director forwards RFC to the Executive Director/Vice President to review, determine Livescan (fingerprinting) requirements, initial, sign the RFC, and then forward back to the Requester.
5. If applicable, the Requester emails the RFC and any relevant supporting documents to one or more of the following department for approval: Information Technology Services, Facilities Services, Auxiliary Services, and/or Public Information office.
6. Once all signatures have been obtained, the requester emails the RFC and all required documents to purchasing@avc.edu (subject line: Contract Request). Purchasing will review the request then send to the Superintendent/President for approval. Allow Purchasing 3-5 business days to generate a standard contract.
7. When the Requester receives the standard contract from Purchasing, they will forward to the other party for review and signature. NOTE: the Requester should allow time for the outside party entering into the contract to review as the other party will most likely forward it to their legal counsel.
8. If the other party returns the contract unsigned with negotiations, the contract is no longer standard. Please see Non-Standard Contract Procedures.

If the Requester receives the contract back signed from the other party, the Requester then forwards the partially-executed contract to their department's/division's Executive Director/VP for review and then to the Superintendent/President. NOTE: If Livescan (fingerprinting) is required, proof of the approved Livescan must be included with the contract when submitting to the Superintendent/President for signature. Next, the Requester enters the appropriate Board communication as follows:

If Contracts <\$25K	If Contracts \$25K-<Bid Threshold	If Contracts ≥ Bid Threshold
Approved by PO Report.* Requester must first forward partially-executed contract to their Executive Director/VP for final review and to obtain	Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to	Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to the

the Superintendent/President signature.
**See Purchasing website for details.*

Superintendent/President for review and signature.

Superintendent/President for review and signature.

9. President/Superintendent will route the fully-executed contract back to the Requester (after Board approval for requests \geq \$25K).
10. The Requester uploads the fully-executed contract and additional supporting documentation through OnBase, and then completes their Requisition.
11. When the Requisition is fully-approved, Purchasing will create the Purchase Order and process as noted on the Requisition by the Requester. For contracts $<$ \$25,000, the PO # will be placed on the Purchase Order Report for the next scheduled Board of Trustees meeting per the deadlines on the Purchasing and Contract Services website.
12. The other party can begin work and submit invoices to Accounts Payable once a Purchase Order is issued for contracts approved via a Board Agenda item or once the Purchase Order is approved by the Board of Trustees via the Purchase Order Report.

Non-Standard Contract/MOU Procedure

A non-standard contract/MOU is an agreement, other than the District's Board approved standard agreement template (without any changes), which contains terms that require Purchasing's review, which may require changes in language prior to its submission to the Board for approval or ratification. All non-standard contracts/MOUs must be reviewed by the Purchasing and Contract Services Department as to form, legal sufficiency, and for potential risk assessment. This review is initiated at the division/department level by the Requester completing and submitting a Request for Contract/MOU Form (RFC).

Process for Non-Standard Requests:

1. Requester completes an AB5 Checklist (located on the Purchasing and Contract Services Webpage); if checklist results in the action to submit a Request for Contract/MOU form (RFC), the requester proceeds with step 2. NOTE: This step can be skipped if processing a Request for Contract/MOU Amendment.
2. Requester completes the RFC or RFC Amendment.
3. Requester forwards the RFC with required attachments to their Dean/ Director for review and signature.
4. Dean/Director forwards RFC to the Executive Director/Vice President to review, determine Livescan (fingerprinting) requirements, initial, sign the RFC, and then forward back to the Requester.
5. If applicable, the Requester emails the RFC and any relevant supporting documents to one or more of the following department for approval: Information Technology Services, Facilities Services, Auxiliary Services, and/or Public Information office.

6. Once all signatures have been obtained, the Requester emails the RFC, including the non-standard contract/MOU with requested revisions/negotiations & other supporting documentation, to purchasing@avc.edu (subject line: CONTRACT/MOU REQUEST) at least 30 days prior to anticipated board deadline.
7. Purchasing reviews request, makes necessary changes and/or creates addendum, stamps and signs agreement, then sends back to Requester (minimum 5-10 business days; longer if forwarded to legal counsel).
8. When the Requester receives the revisions for the non-standard contract/MOU from Purchasing, they will forward to the other party for review and signature. NOTE: the Requester should allow time for the outside party entering into the non-standard contract/MOU to review, negotiate and/or accept any language that was added or changed. The other party will most likely forward it to their legal counsel; therefore, non-standard contracts/MOUs could take 30-60 days (if not longer) for final execution.
9. If the contract/MOU is returned signed, the Requester routes to department's/division's Executive Director/VP for review and then the Superintendent/President for counter-signature. NOTE: If Livescan (fingerprinting) is required, proof of the approved Livescan must be included with the contract/MOU when submitting to the Superintendent/President for signature. Contracts/MOUs should be fully-negotiated and the other party should sign the contract/MOU (i.e., partially-executed) before routing for approval and counter-signature. This ensures that the contract/MOU was reviewed, negotiated and approved by the Requester entering into the contract/MOU with the District.

If the other party returns the contract/MOU with additional revisions/negotiations, Requester forwards to Purchasing and Contracts Services and steps 7 & 8 are repeated until negotiations are finalized and the contract/MOU is signed by the outside party. At any point, if negotiations are not affecting the department, simply legal in nature, Purchasing and Contract services may communicate directly with the outside party to expedite the process. However, it is the responsibility of the department, at all times, to communicate the final version of the contract/MOU with the outside party and obtain signature.

10. Once Requester forwards partially-executed contract to the Superintendent/President (prior to the Board Meeting if board agenda item required), Requester must ensure and/or prepare appropriate Board communication as follows:

If Contracts/MOUs <\$25K	If Contracts \$25K-<Bid Threshold	If Contracts ≥ Bid Threshold
<p>Approved by PO Report.* Requester must first forward partially-executed contract/MOU to their VP for final review and to obtain the Superintendent/President signature. <i>*See Purchasing website for details.</i></p>	<p>Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to Superintendent/President for review and signature.</p>	<p>Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to the Superintendent/President for review and signature.</p>

11. President/Superintendent will route the fully-executed contract/MOU back to the Requester (after Board approval for requests \geq \$25K).
12. The Requester uploads the fully-executed contract/MOU and additional supporting documentation through OnBase, and then completes their Requisition.
13. When the Requisition is fully-approved, Purchasing will create the Purchase Order and process as noted on the Requisition by the Requester.
14. The other party can begin work and submit invoices to Accounts Payable once a Purchase Order is issued for contracts/MOUs approved via a Board Agenda item or once the Purchase Order is approved by the Board of Trustees via the Purchase Order Report.

Urgent Contract/MOU Procedure

In the event an urgent contract/MOU need arises that cannot wait for the Board of Trustees' approval, the Board of Trustees has delegated to the President the authority to sign urgent contracts/MOUs for the amount and purpose approved in the most recent Organizational Meeting Report (\$50,000 as of 2/10/2020). These contracts can then be ratified at the next Board of Trustees meeting.

1. Requester emails any applicable documents to the Superintendent/President explaining the urgent request, noting there will be no Livescan (fingerprinting) if applicable, and requesting approval to proceed outside the normal contract process and ratify the urgent contract/MOU. Requester also cc's their Dean/Director and Executive Director/VP on the email.
2. If the President approves, Requester emails the President's approval and all required documents to purchasing@avc.edu (subject line: URGENT Contract/MOU Request). Purchasing will review, obtain additional items/information from the requester, and process the request.
3. When the Requester receives the contract/MOU from Purchasing, they will forward to the other party for review and signature. NOTE: the Requester should allow time for the outside party entering into the contract to review as the other party may forward it to their legal counsel. If the other party requests additional revisions/negotiations, Requester forwards to Purchasing and Contracts Services and this step is repeated until negotiations are finalized and the contract/MOU is signed by the outside party
4. Once the contract/MOU is fully-negotiated and partially signed (by other party), the Requester will forward the partially-executed contract/MOU to their department's/division's Executive Director/VP for review and then to the Superintendent/President for signature. NOTE: If Livescan (fingerprinting) is required, proof of the approved Livescan must be included with the contract when submitting to the CBO or President for signature.
5. Once the Requester receives the fully-executed agreement from the President's office, the Requester will then upload the fully-executed contract and other supporting documents into OnBase and complete a Requisition.
6. For contracts/MOUs $<$ \$25K, the contract/MOU will be approved by the PO report. For contracts/MOUs $>$ \$25K, the Requester will submit an electronic copy of the contract to the Board of Trustees for ratification via an Action board agenda item within **60 days** of the execution of the contract by the President. The contract and any additional supporting documentation will be

included as attachments to the agenda item. Please refer to the Board of Trustees Meeting-Agenda Item Deadlines.

7. Once the board approves the contract, the Requester is to send the approved agenda item (board communication) to accounts_payable@avc.edu referencing the PO # and also uploads the approved agenda item into Onbase.

Responsibilities of District's Purchasing Department

The Purchasing Department shall make available necessary materials and ongoing working sessions to ensure that District employees involved in the contracts process are informed and understand the scope and limits of their contracting responsibilities. Purchasing shall create, manage, and periodically update District standard boilerplate contracts and procedures to be used by the District. Purchasing shall periodically review the effectiveness of the District's contracting processes and procedures, and shall solicit recommendations from its Procurement & Contracting Services (PACS) Advisory group on how to improve these processes.

Any questions, please contact your Division's/Department's Assigned Buyer or purchasing@avc.edu.