



PROCEDURES FOR CONTRACT REVIEW AND SUBMISSION

Business Services – Purchasing-Contracts Department
purchasing@avc.edu

TABLE OF CONTENTS

BOARD POLICY/ADMINISTRATIVE PROCEDURE REFERENCES	2
REQUIRED USE OF REQUEST FOR CONTRACT FORM	2
TIMELINES.....	2
STANDARD CONTRACT PROCEDURE	3
Process for Standard Requests:.....	3
NON-STANDARD CONTRACT PROCEDURE	4
Process for Non-Standard Requests:.....	4
URGENT CONTRACT PROCEDURE.....	6
RESPONSIBILITIES OF DISTRICT’S PURCHASING DEPARTMENT.....	6

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 Form

Purchasing has created a **Request for Contract form** (RFC - attached) to be used by all divisions/departments for preparing a transactional-standard boilerplate contracts (aka agreements), renewing contracts, amending contracts or review of non-standard contracts. This form requires the Requester to confirm that the District's executive staff are aware and approve that the proposed contract has been reviewed and authorized for submission for signature. This form also identifies the following:

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

Timelines

Adherence to timelines for Purchasing contract preparation or review must be adhered to by Requesters submitting Contract requests or review to Purchasing:

- a. Standard Boilerplate Contracts – 3 – 5 business days
- b. Requesters are encouraged to submit non-standard contracts for review at least 30 days prior to the anticipated Board agenda deadline for the Board meeting at which the proposed contract is to be considered, so as to allow sufficient time for review, negotiation, editing, Livescan (fingerprinting), and finalization of the proposed contract. Non-standard contracts submitted for Board approval will require contract review prior to the Board agenda deadline for the Board meeting where the contract is to be considered for approval by the Board of Trustees.
- c. Non-Standard Contracts requiring immediate contract and risk review may, upon approval of the responsible Vice President or Superintendent/President, be submitted to Purchasing for contract review and for the Superintendent/President, Executive Director of Business Services (CBO) or acting Superintendent/President's signature in advance of a scheduled Board meeting, subject to ratification by the District's Board of Trustees.
NOTE: as of 12/14/15, the Board of Trustees delegated to the Superintendent/President the authority to sign contracts for consultants and specialized services in the amount of less than \$25,000, which is below the required competitive bid limit.

Standard Contract Procedure

A 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 on December 14, 2015. The District's standard contract language shall not be edited or altered in any manner. Any alteration of a standard contract changes its character from a standard contract to a non-standard contract.

Process for Standard Requests:

1. Requester completes the Request for Contract Form (RFC).
2. Requester forwards to their Dean/Executive Director for review and signature.
3. Vice President/President reviews, determines Livescan (fingerprinting) requirements, initials, and signs the RFC and forwards back to the Requester.
4. Once all signatures have been obtained, the Requester emails the RFC and any relevant supporting documents to purchasing@avc.edu (subject line: Contract Request).
5. Allow Purchasing 3-5 business days to generate a standard contract.
6. 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.
7. If the other party returns the contract unsigned with negotiations, the contract is no longer standard. Please see procedures for Non-Standard Contract Procedures.
8. Requester forwards partially-executed contract to their department's/division's VP for review and then to the Superintendent/President, Executive Director of Business Services (CBO) or acting Superintendent/President for signature (prior to the Board Meeting if board agenda item required).
NOTE: If Livescan (fingerprinting) is required, proof of the approved Livescan must be included with the contract when submitting to the Superintendent/President, CBO or acting 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 VP for final review and to obtain the Superintendent/President, CBO or acting Superintendent/President's signature. <i>*See Purchasing website for details.</i>	Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to Superintendent/President, CBO or acting Superintendent/President for review and signature.	Requester creates an agenda item under the Action section of the Board Agenda, then forwards the contract to the Superintendent/President, CBO or acting Superintendent/President for review and signature.

9. Signer 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 Department 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 Procedure

A non-standard contract is an agreement or contract, other than the District's Board approved standard agreement template (without any changes), which contains terms that require Purchasing's contract review, which may require changes in language prior to its submission to the Board for approval or ratification. All non-standard contracts must be reviewed by the Purchasing 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 Form (RFC). The RFC provides for written consent from the President or responsible Vice President for the Requester to pursue such a contract, and for Purchasing to conduct its review.

Process for Non-Standard Requests:

1. Requester completes the Request for Contract Form (RFC).
2. Requester forwards to their Dean/Executive Director for review and signature.
3. Vice President/President reviews, determines Livescan (fingerprinting) requirements, initials, and signs the RFC and forwards back to the Requester.
4. Requester emails approved RFC, non-standard contract with requested revisions/negotiations & other supporting documentation to purchasing@avc.edu, subject line: CONTRACT REQUEST at least 30 days prior to anticipated board deadline.
5. Purchasing reviews request and makes necessary changes and/or creates addendum, then sends back to Requester (minimum 5-10 business days; longer if forwarded to legal counsel).
6. When the Requester receives the revisions for the non-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 non-standard contract 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 could take 30-60 days (if not longer) for final execution.
7. If the contract is returned signed, the Requester routes to department's/division's VP for review and then the Superintendent/President, CBO or acting Superintendent/President for counter-signature. NOTE: If Livescan (fingerprinting) is required, proof of the approved Livescan must be included with the contract

when submitting to the Superintendent/President, CBO or acting Superintendent/President for signature. Contracts should be fully-negotiated and the other party should sign the contract (i.e., partially-executed) before routing for approval and counter-signature. This ensures that the contract was reviewed, negotiated and approved by the Requester entering into the contract with the District. If the other party requests additional revisions/negotiations, Requester communicates to assigned Buyer. Steps 5 & 6 repeated, OR, if negotiations are complex, Buyer will notify Purchasing & Contracts Director to work directly with other party.

8. Once Requester forwards partially-executed contract to the Superintendent/President, CBO or acting 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 <\$25K	If Contracts \$25K-<Bid Threshold	If Contracts ≥ Bid Threshold
<p>Approved by PO Report.* Requester must first forward partially-executed contract to their VP for final review and to obtain the Superintendent/President, CBO or acting Superintendent/President's 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, CBO or acting 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, CBO or acting Superintendent/President for review and signature.</p>

9. The signer will route the fully-executed contract back to the Requester (after Board approval for requests ≥\$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 Department 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.

Exceptions to the non-standard contract review process include:

- Purchasing review is not required where the parties to the contract agree to use a District standard-boilerplate contract (unaltered except for filling in the blank fields) as approved by the District. Line-outs or edits on District standard contract language convert a standard contract to a non-standard contract.
- Review is not required for use of District standard purchase orders unless there are contractor issued terms and conditions amending the purchase order.

- Review is not required for term contracts resulting from competitive procurements conducted by the Purchasing Department where the District's standard terms and conditions are accepted by the contractor/consultant, and there are no additional revision requests for the terms and conditions.

Urgent Contract Procedure

In the event an urgent contract need arises that cannot wait for the Board of Trustees' approval, the Board of Trustees has delegated to the President the authority to sign contracts for consultants and specialized services in the amount of less than \$25,000.000. These contracts can then be ratified at the next Board of Trustees meeting.

1. Requester completes steps noted in the Standard or Non-Standard process above.
2. Once the contract is fully-negotiated and partially signed (by other party), the Requester will do the following:
 - a. Standard Contract – Forwards the contract directly to the President with the RFC requesting their permission to ratify at the next Board of Trustees meeting. Once the contract has been fully-executed, the President's office shall return the contract to the Requester. **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.
 - b. Non-Standard Contract – Requester routes the contract to the Purchasing Department for review/approval before routing contract to the President requesting their permission to ratify at the next Board of Trustees meeting and to sign. After Purchasing reviews/approves the proposed final contract, Purchasing will route non-standard contract back to the Requester to forward through the President's Office with the RFC. Once the contract has been fully-executed, the President's office shall return the contract to the Requester. **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.
3. The Requester will then upload the fully-executed contract onto OnBase and complete a Requisition.
4. For contracts requiring the Board of Trustees' approval via a board agenda item, the Requester will submit an electronic copy of the contract to the Board of Trustees for ratification via a 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. The Requester will complete the board agenda item for Action items. Standard contracts under the bid limit which, in the opinion of the Purchasing Department, creates an unusual amount of risk, shall be placed on the Discussion section of the Board Agenda.
5. Once the board approves the contract, the Requester is to send the approved agenda item (board communication) to Purchasing.

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.