

East Georgia State College Contract Administration Policy

Adopted by President's Cabinet 2/21/12

Revisions Adopted by President's Cabinet 2/28/17

Revisions Adopted by President's Cabinet 12/28/18

Policy Statement and Scope

This policy and procedure outlines the college's process for contract review, approval, maintenance and administration. The goal of this policy is to provide centralization of contract review and approval, to enhance communication among the college's relevant departments regarding the proposed contracts and to provide financial oversight of the college's expenditures. Construction contracts are governed by USG policy, and are not subject to this review process.

A "contract" for purposes of this policy and procedure refers to the agreement between EGSC and the vendor for the purchase or provision of goods and/or services, outlines the responsibilities of the parties, and includes any ancillary documents referred to in the agreement. The relevant document outlining the purchase or provision of goods and/or services may be known by other names and may include several documents such as: proposal, quotation, terms and conditions, memorandum of understanding, memorandum of agreement, click through agreements, non-disclosure agreements, confidentiality agreements, etc. Any document that binds the parties to the purchase or provision of goods and/or services is considered a contract.

Procurement Request, Contract Review, Negotiation and Approval

East Georgia State College utilizes the Department of Administrative Services contract bidding thresholds to define the procedure for internal contract review. When a need for goods and/or services is identified that may result in a purchase contract that exceeds or may exceed \$4,999 in value per fiscal year, the potential procurement must be presented to the Purchasing Department **before any action is taken, using the above form**. After review, the department will be advised of the proper course of action.

Any proposed purchasing contract for goods and services that does not exceed \$4,999 in value per fiscal year may be negotiated at the department level but will be subject to East Georgia State College Purchasing Policy. Consultation with the Purchasing Department is advised. If review by Legal Affairs is requested, the routing form must be used.

The procurement approval and contract review process begins when the department seeking procurement approval submits the *Office of Legal Affairs Contract Routing and Approval Form* (attached) to the Purchasing Department at purchase@ega.edu with supporting documents including a Purchase Order and price quote. <http://www.ega.edu/policy/07-contract-routing-and-approval-form.pdf>

Upon receipt of the Purchase Order, the Purchasing Department will review and determine if the expenditure can be paid from the requested budget. If approved, a Departmental Request, details of the proposed purchase, all available purchasing documents (proposal, price estimate, etc.) as well as the contract relative to the proposed purchase must be submitted to the Purchasing Department, using the above form.

The Purchasing Department will review the proposed purchase and advise the department of any additional requirements, including the need for a criminal background check for vendor, and the approximate timeline for the purchase. If a criminal background check is required of vendor employees the Purchasing Department will obtain vendor's certification of same using the *Vendor Mandatory Criminal Background Check Terms and Certification* form (attached).

The following process applies to all contracts for goods and services that exceed \$4,999 and any contract for goods and services less than \$4,999 that elect to participate in the Legal Affairs review process. After review and approval by the Purchasing Department and signature of the Vice President for Business Affairs, Purchasing will submit the completed, signed *Office of Legal Affairs Contract Routing and Approval Form* and all supporting documents to Legal Affairs for review and approval. The Office of Legal Affairs will work with the department representative and/or vendor to finalize a contract that is acceptable to all parties. Once finalized, Legal Affairs will send a copy of the unsigned contract to the Purchasing Department. The

Purchasing Department will issue a Purchase Order (PO) and notify Legal Affairs that the PO is in place. Once the PO is in place, the contract is ready for signatures. Purchasing and Legal will coordinate the signature of the vendor on the approved contract. The above routing form will be signed by the Office of Legal Affairs and sent to the President or Vice President for Business Affairs, as appropriate, for signature. After signature is obtained, Legal Affairs will send the contract to the Purchasing Department. The Purchasing Department is responsible to ensure that the fully executed document is received by the Office of Legal Affairs.

Performance under a contract must not begin until the contract has been approved using the above process and signed by the President or Vice President for Business Affairs, as appropriate. Performance includes taking any action which could be considered as consent to the contract and includes but is not limited to such actions as: making oral commitments, starting work, ordering products, receiving products, etc.

All contracts entered into in the name of East Georgia State College are subject to the policies and procedures of the University System of Georgia Board of Regents. In addition, many of the college's contracts are subject to State purchasing regulations and to the statutory constraints on contracts entered into by State agencies.

All contract renewals, amendments, modifications and terminations must be submitted to the Purchasing Department for review and will undergo the same contract review process as outlined above.

Signatory Authority

All contracts require the President's signature and prior review by Legal Counsel unless otherwise noted herein. The President is authorized to sign contracts, renewals, amendments, modifications and terminations on behalf of the College. This includes Construction Contracts, Memorandum of Understandings, Consulting Agreements, Collaborative Agreements, Grant Agreements, etc., that obligate East Georgia State College. No member of the faculty or staff may sign any of the above documents without specific written authorization from the President of East Georgia State College. State law provides that persons entering into contracts without complying with all applicable State laws and regulations become personally liable for any amounts due under those contracts.

Exception for Purchase Contracts

The President has delegated signatory authority for purchase contracts to the Vice President for Business Affairs.

Contract Maintenance and Administration

After review and signature as indicated above, a copy of the fully executed contract will be sent to the department, and the original retained by the President's Office. The Office of Legal Affairs maintains the President's contract files and maintains a list of all contracts reviewed by the Legal Affairs. The Purchasing Department will maintain a contract log listing all contracts with commencement dates, renewal dates and termination dates, and other pertinent information. The Purchasing Department will be responsible for prompting the departments when critical dates are pending, and will notify Vice President for Business Affairs of the status. For contracts under \$4,999, the departments will be responsible for monitoring the relevant information and dates.

Any questions concerning College contracts should be addressed to the Vice President for Business Affairs (Ext. 2025) or Legal Counsel (ext 2165).



EAST GEORGIA STATE COLLEGE

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Please allow a minimum of 14 days for the process to complete

Office of Legal Affairs – CONTRACT ROUTING AND APPROVAL FORM

Please complete this form and obtain all necessary approvals and signatures in boxes 1-2. Attach an original contract, with all exhibits, attachments and other documents incorporated by reference, to this form. This includes quotes, proposals, and approval of expenditure by EGSC Business Office. etc. Please review EGSC Contract Administration Policy. Submit this form and the documents to: purchase@ega.edu

1. GENERAL INFORMATION: EGSC Department submitting request: _____

Type of Contract: Please indicate whether the contract is for: (circle and/ or describe)

Purchase of goods, purchase of services, purchase of goods and services, performance contract, consulting contract, IT software, or other (describe) _____

Will the vendor have regular interaction with students, employees, monies, sensitive or confidential data, or facilities?
Yes _____ No _____ If yes, explain: _____

Name of Contracting Party: _____

Contract Period (insert begin and end dates) _____

EGSC Contact person (Name) _____ (Title) _____

Phone: _____ E-mail: _____

Is this the first time this contract is being submitted to Legal Affairs for review? ___ yes ___ no

If no: indicate date of prior submittal and reason resubmitted: _____

Is this a modification, extension of an existing contract? Yes / No / If yes, attach copy of current contract

Vendor Contact information: Name: _____ / Email and telephone: _____

2. CERTIFICATION BY RESPONSIBLE EAST GEORGIA STATE COLLEGE EMPLOYEE SUBMITTING CONTRACT

I HAVE READ THE ATTACHED CONTRACT IN ITS ENTIRETY. The contract accurately describes the agreement between the parties, including goods and/or services provided (for example, description of the goods, delivery terms, statement of work) and obligations imposed (for example, manner of payment, confidentiality provisions). I believe that the contract is in East Georgia State College's best interests, the activity is consistent with the mission of the college and that East Georgia State College can perform its obligations under the contract. I accept responsibility for routing this contract and for managing it if it is executed.

 Signature Date Printed Name
 EGSC employee submitting contract

Approval by Dean, Vice President or Cabinet Level Supervisor: This contract is approved. It is appropriate and necessary to the Department's/ School's mission and priorities and such entity can furnish the services, materials or other funds as designated in the contract.

 Signature Date Printed Name

3. ROUTINGS AND APPROVALS

Review by other East Georgia State College Departments (if appropriate): I have reviewed the attached contract and (check one):

Review by Chief Business Officer: _____ have no objections _____ object /see concerns below

Review by Vice President for Information Technology (for all contracts impacting technology)
 _____ have no objections _____ object/ see concerns below

4. REVIEW BY OFFICE OF LEGAL AFFAIRS

Received by OLA: _____ CBC Required? Yes _____ No _____ Accepted: _____ Review completed: _____

Questions/concerns/revisions requested: _____ (date) sent to: _____

Final contract reviewed: _____ Sent for vendor signature to/date: _____

Received vendor signature: _____ Sent for EGSC signature / date: _____

Received original EGSC signed contract: _____

Sent to President's File: _____

Sent to originating department: _____

VENDOR MANDATORY CRIMINAL BACKGROUND CHECK
TERMS AND CERTIFICATION

Adopted by President's Cabinet 12/18/18

As a condition of East Georgia State College's agreement with Vendor for the purchase of goods and/ or services requiring regular interaction with students, employees, monies, sensitive and/or confidential data, or facilities, Vendor agrees to the following:

Vendor will enforce and implement an appropriate criminal background check requirement which confirms to state, federal and University System of Georgia guidelines: a state and federal criminal history check covering a minimum of seven (7) years and a nationwide sex offender search.

Vendor will review the results of the criminal background check and determine eligibility of its employees using the guidelines set forth in the University System of Georgia's Background Investigation Policy: https://www.usg.edu/hr/manual/background_investigation Only employees deemed eligible for work per this policy will be assigned by Vendor to perform work for East Georgia State College.

Vendor maintains full responsibility for the actions of its employees.

Vendor will indemnify East Georgia State College against the actions of its employees.

Vendor must annually certify to East Georgia State College that it has met the criminal background check requirement for employees assigned to East Georgia State College.

By signing this form, Vendor agrees to and certifies all statements and actions above:

Vendor Name:

Date: