CONTRACTS TRAINING

CONTRACT PROCESS

- 1. Department contacts vendor for proposal.
- 2. Department determines if threshold requires a bid (currently 15k).
- 3. Department ensures that vendor can be used.
- 4. Department prepares contract and obtains signatures. (request insurance from vendor)
- 5. Department enters contract requisition in PeopleSoft.
- 6. Obtain the required signatures on the requisition coversheet and the contract document(s). Print the requisition coversheet for execution of Department head & upload behind req.
- 7. Scan the fully executed contract along with all supporting documentation (including COI) and upload to the contract requisition.
- 8. Enter the contract requisition into workflow.
- 9. Contract Administration processes the requisition and issues a contract number. Contract number is emailed to the department/requestor.
- 10. For Services Vendor submits an invoice.
 - -Department submits a Receiving Report & Invoice to AP.
- 8. For Delivered Goods The dock submits the receiver reports to AP.
- 9. AP pays vendor via ACH (or exception method requested).



UHCL CONTRACT PROCUREMENT PROCEDURES



\$0 - \$15,000 No bid is required.

\$15,001 plus

A Procurement Method is required for these goods or services.

- Acceptable Procurement Methods –

Approved sole source justification; Bid Solicitations; Cooperative Contracts; Emergency Purchases; other exceptions as approved)

Above \$50,000 ALL contracts (including Standard Agreements) must be sent to Office of the General Counsel (OGC) for review. OCA Coversheet is required for legal.

FORMAL AND INFORMAL BIDS

University of Houston Clear Lake

Informal Bids \$15,001 - \$25,000

- Departments are required to recommend a vendor for the item(s) to be purchased.
- The Procurement Department will solicit a minimum of three (3) informal bids.
- > A minimum of two (2) HUB Vendors will be solicited for bids.

Formal Bids Above \$25,000

- Departments are required to recommend a vendor for the item(s) to be purchased.
- ➤ The Procurement Department will solicit a minimum of three (3) formal written bids.
- A minimum of two (2) HUBs will be solicited.
- The bid will be posted to the Electronic State Business Daily (ESBD) for a minimum of 14 days.
- Emergency purchases may be posted for less than 14 days.

LIABILITY & RISK MANAGEMENT

- > Certificates of Insurance Requirements
 - > UHCL listed as the Certificate Holder
 - UHCL listed as Additional Insured
 - Waiver of Subrogation
 - Limits must match the limits within the Insurance Clause in the Contract
- Insurance Waiver Consideration Basis
 - Risk Levels
 - Premises Liability
 - Consequences

CONTRACT REQ When and Why?

Vendor renders a service to the University.

- > Facilities
- Catering
- Speaker
- Performer

Other services to the University.

Services cannot be purchased on a p-card.

Most Common Type of Contracts



- > Standard Agreement
- Non-Standard Agreement
- Services Agreement (Revenue)
- Performance Agreement
- > Speaker Agreement
- > Affiliation Agreement
- Memorandum of Understanding

STANDARD CONTRACTS



- Legally Approved Agreement Templates
- Vendor signs without changes
- Identified by legal stamp of approval

Office of the General Counsel Standard Purchasing Agreement OGC-S-2010-06 Revised 04.29.2019 Page 1 of 4

NON-STANDARD CONTRACT

Contract using Vendor's Template

When is Legal review not necessary?

Exceptions:

- ➤ Vendor accepts our Standard Contract Addendum (SCA) (attached without changes)
- ➤ Agreement is below 50k AND
- > Vendor's Contract does not contain language that states that their Contract prevails over the SCA.

****This does not apply to revenue agreements***



Standard Contract Addendum (SCA)

Used WITH a non-standard agreement to bring the entire agreement into compliance with Texas Government Code and UH System standards.

UHCL Procurement Office should review the terms of the non-standard agreement; Procurement may make some revisions as to not void the use of the SCA

Department submits SCA to Vendor after receiving approval by Procurement

If vendor accepts Procurement's revisions and SCA terms, the agreement will **only** require legal review if it is above 50,000.





<u>ALL</u> Revenue Agreements over \$50,000 MUST be approved by the UH System tax office prior to execution.

<u>ALL</u> Services Agreements over \$50,000 MUST be submitted to Contract Administration along with the Revenue Contract Coversheet AND an OCA Coversheet.

Contract Administration will route all documents for approval.

STANDARD CONTRACT AMENDMENT

Used to change an existing contract

- >MUST be processed before the original contract expires.
- >MUST be processed with the same approval level or higher as the original contract.
- >MUST be sent to Legal for review.
- In most cases, Agreements are not to be extended pass five (5) year terms. Exceptions may occur.
- > Always attach the original agreement



General Information

Contract Coversheet and Approval Form Office of Contract Administration

4802 University Drive, Room 311 * Ezeldel W. Cullen Building Houston, Texas 77204-2028 • Phone (882) 842-7078

System pursuant to MAPP, SAM, and Board Policies. Initial the certifications below (or put "NA" if not applicable) indicating compliance before so the agreement and required supporting documentation to the Office of Contract Administration. Responsibility I have primary responsibility for the contract, from inception to completion of the transaction. Complete Contract Package Dept. Acceptance All contract and all documents that are incorporated by reference in the agreement, including exhibits and appending are included for review by Contract Administration. Dept. Acceptance All contract documents have been read and the business aspects have been agreed to in their entirety by the origin department and any employees who have obligations under this contract, or a memorandum has been included detected the department's concerns with the business aspects that they do not agree with. Contracting Party The name of the contracting party is stated as the University of Houston System or its component Institutions (e.g., University of Houston, University of Houston - Victoria), and is not a department, program, or person. The proper procurement method has been used providing the best value to UH. The Recommendation for Award required for all contracts regardless of the source of funds.	ocucia miormation							
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(Official with delegated authority to enter into contracts on behalf of the University)		hority to enter in	to contracts on				Louis.	

Note: Modification of this Form requires approval of OGC

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Standard Form Approved by UHS Office of General Counsel



Checklist for a Complete SPA

UH-Clear Lake is selected in preamble Department is typed in Contractor's name is typed Contract Term (Begin and End dates) Services: Scope of Work Contractor will provide for UHCL Compensation (Select the 1st or 2nd option) Insurance Verification (COI) – Sec. 10 (SPA) & 9 (SCA) Notice – Section 23 (where to send terminations, claims, etc.) Foreign National Info. Addendum (Section 33) Signature box – Select UHCL in the drop-down option Contract is Fully Executed (without unapproved edits) Verify that attached Proposal/Quote is the same (or less) as the amount of Contract

Submitting a Contract for Processing

Ц	Obtain all required signature on Contract.
	Enter contract requisition in PeopleSoft.
	Approve and budget check the requisition.
	Print the requisition coversheet and obtain the required signatures on the
	requisition coversheet. This is the department head or delegated individual
	that can sign for budget approval.
	Scan the fully executed contract with <u>all</u> supporting documentation and
	upload it to the contract requisition.
	Enter the contract requisition into workflow.
	Contract Administration processes the requisition and issues a contract
	number via email.
	Send the fully executed Contract to the vendor and commence the service in
	accordance with the contract. (Note: A PO will not be issued for Contracts.)

Most Common Contract Requisition Errors

□ Vendor not eligible for use
 □ Contract Standard Comments not included (CHC)
 □ Certificate of Insurance not uploaded
 □ Contract is not Executed
 □ Account Code is incorrect (fund restricted)
 □ Category Code is incorrect
 □ Proposal/Quote exceeds the contract amount
 □ Proposal/Quote expired

