

## Checklist for Drafting Procurement Contracts

This Checklist is intended to assist Contract Managers in the review, submission and execution of procurement contracts.

This Checklist outlines the required contract documentation as well as key things to consider, review, evaluate and revise as needed for a procurement contract. This checklist is not all-inclusive and Contract Managers are advised to carefully review and finalize procurement contracts in their entirety before entering them into Total Contract Manager (TCM). Additionally, Contract Managers must review, negotiate with supplier and revise business and operational provisions, terms and conditions within the contract, as needed, in order to appropriately reflect the business arrangement reached with the supplier. These actions need to be completed before attaching the contract in TCM.

Contract Managers must have access to TCM to process any procurement contract. Contract Managers must attend TCM Training and Procurement Contracts Training to access TCM. Please contact FSSS at [controller@fiu.edu](mailto:controller@fiu.edu) for more information.

### I. Determine Proper Procurement Method

- \_\_\_\_\_ Have you determined the proper procurement method?
- \_\_\_\_\_ Have you checked to see if the procurement is exempt or an exceptional purchase per BOG 18.001?
- \_\_\_\_\_ Have you contacted Procurement Services, if a solicitation or piggyback is needed?
- \_\_\_\_\_ If a sole source, have you checked the Annual Certification List or completed the sole source certification and received the President's approval if over \$100,000?
- \_\_\_\_\_ If an emergency procurement, have you completed the emergency request form?

### II. Define the Statement of Work

- \_\_\_\_\_ Have you reviewed the Statement of Work, to ensure that it properly reflects the goods and/or services you expect to receive?
- \_\_\_\_\_ Are the objectives clear?
- \_\_\_\_\_ Are all of the deliverables (work product, acceptance criteria, etc.) outlined?
- \_\_\_\_\_ Is the schedule (period of performance, milestones, etc.) detailed?
- \_\_\_\_\_ Is there a list of tasks that need to be included?
- \_\_\_\_\_ Are all monitoring details (reports, meetings, reviews, etc.) listed?
- \_\_\_\_\_ Is the background (how the project came to be) included? This is not a requirement, but it may help clarify the purpose of the contract.

### III. Choose the Proper Contract Template

- \_\_\_\_\_ If the contract is for professional services are you using OGC's Independent Contractor Agreement?
- \_\_\_\_\_ If the contract is for service, entertainment or performance (as defined per the allowable unencumbered

payment list and process), are you using OGC's "Service, Entertainment and Performance Agreement"?

\_\_\_\_\_ Are you using the supplier's contract?

\_\_\_\_\_ If the contract is in the form of a Click-Thru Agreement, did you follow OGC's Click-Thru Agreement process?

\_\_\_\_\_ If the contract is for a hotel, have you checked to see if they are included in FIU's Master Hotel Agreement List?

#### **IV. Review Contract**

\_\_\_\_\_ Ensure that the renewal period cannot exceed 5 years or twice the term of the original contract, whichever is longer.

\_\_\_\_\_ Have you added the contract number (PUR-XXXX) to the face of the contract?

\_\_\_\_\_ Are all pages, including attachments, properly numbered for identification and marked with the number of the contract should the papers separate from the contract?

\_\_\_\_\_ Is FIU's name on the contract "The Florida International University Board of Trustees"?

\_\_\_\_\_ Is the appropriate name and title of the FIU signatory on all documents that require signature?

\_\_\_\_\_ Is the Supplier properly identified on the face of the contract? (*see below*)

\_\_\_\_\_ Have you incorporated the supplemental addendum, if using the supplier's contract? (*Note: Departments cannot revise the Supplemental Addendum in any way. If a supplier is requesting changes to this document please contact Procurement Services via [contract@fiu.edu](mailto:contract@fiu.edu). Procurement Services will initiate an internal review to engage OGC.*)

\_\_\_\_\_ Is the identification of the supplier consistent throughout the contract?

\_\_\_\_\_ If a contract involves activities requiring additional licensing (*i.e.*, asbestos removal, transportation services, etc.), please include proper documentation as an attachment in TCM.

\_\_\_\_\_ If the contract must be completed by a certain date, is that noted as a specific condition within the contract?

\_\_\_\_\_ Are all "blank" spaces in the contract completed or marked "not applicable" (*i.e.*, N/A)?

#### **V. Identification of Supplier**

\_\_\_\_\_ Is the supplier a corporation, partnership or sole owner?

\_\_\_\_\_ If sole owner and supplier uses a fictitious name, identify the contractor by name and acknowledge the fictitious name (*i.e.*, John Smith d/b/a Smith's Repairs).

\_\_\_\_\_ Is the supplier in FIU's PeopleSoft supplier database?

\_\_\_\_\_ Confirm that all supplier information is up to date, including social security number and/or federal identification number, address and telephone number in PeopleSoft.

\_\_\_\_\_ Confirm with the supplier that the supplier has no conflicts of interest (*e.g.*, inquire whether the supplier (or their spouse or child, or anyone with 5% ownership in the company or more) is an FIU employee, a Board of Trustees member, a member of an FIU advisory board or a member of the Foundation Board of Directors).

**VI. Renewals, Amendments & Extensions**

- \_\_\_\_\_ Does the document state that it is a renewal, amendment, or extension to an existing agreement?
- \_\_\_\_\_ Is the existing agreement properly referenced in the document?
- \_\_\_\_\_ Will it be executed prior to the expiration of the contract? *(Note: If not, and it has expired, then a new contract must be completed.)*
- \_\_\_\_\_ Are the signatures dated after the commencement of the services? *(Note: If not, the contractor is improperly working without the benefit of a contract.)*

**VII. Attachments**

- \_\_\_\_\_ Did you upload the contract in TCM, with the supplemental addendum attached?
- \_\_\_\_\_ Did you upload all relevant supplemental materials into TCM? *(e.g., original quotes or any internal approvals required by your department, etc.)*
- \_\_\_\_\_ If this is a renewal/amendment/extension, did you upload the original contract, and all other renewals, amendments, extensions, and any other relevant documentation, in TCM?
- \_\_\_\_\_ Is all required documentation *(e.g. insurance certificates, bonds, etc.)* attached to TCM?
- \_\_\_\_\_ Is all bidding information attached?
- \_\_\_\_\_ Is all exemption information attached?

**VIII. Signatures & DocuSign**

- \_\_\_\_\_ Does the university employee have a written delegation from the President of the university, which a list of FIU Signature Authority can be found on OGC's website?
- \_\_\_\_\_ Did you ensure that the names and titles of both signatories is included, along with the dates of each signature?
- \_\_\_\_\_ Did you place an area for both parties to initial by all changes made to the contract? *(e.g., by the statement incorporating the supplemental addendum)*
- \_\_\_\_\_ Have all parties agreed to the terms of the contract and made all changes, deletions and modifications prior to attaching the contract in TCM?