

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 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. 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?