

Contract Templates – Procedures

The contract templates outlined below should be used for all service and performance purchases when a written agreement with the supplier, outlining specific details about the services being purchased is in the best interest of the University or when a contract is required. These contracts must be completed by the University department requesting the purchase and executed by both parties prior to the provision of the services per the instructions outlined below.

Allowable Unencumbered Payment Purchase: When a requesting department is initiating the purchase of a service or performance, the department must first check if the service or performance is on the [allowable unencumbered payment list](#). If it is then a purchase order will not be needed for the purchase as it must be paid via unencumbered payment upon completion of the services/performance. Additionally, if the purchase is valued at \$5,000 or more, an agreement is required and the [Services/Entertainment/Performance Agreement](#) should be used per the instructions outlined below. This agreement may also be used for purchases valued at less than \$5,000, if the purchase is on the allowable unencumbered payment list and the supplier requires a contract.

If the purchase is for less than \$5,000 and the department establishes that an agreement is not needed for the purchase, please refer to the [allowable unencumbered payment list](#) for instructions on how to submit for payment.

Purchases not on the Allowable Unencumbered Payment List: Once a requesting department has checked the [allowable unencumbered payment list](#), if it is determined that the services or performance does not fall into any of the categories outlined, then the department may either make payment after completion of the services/performance via departmental card, if allowed (check [Department Card Guidelines and Procedures Manual](#)), or a purchase order is required. If payment will be made on the departmental card upon completion of the services/performance and if the purchase is valued at \$5,000 or more, an agreement is required. However, if a purchase order is needed because payment cannot be made via unencumbered payment or the departmental card, an agreement is not required at all as the purchase order can serve as the agreement. For all purchases **not** on the [allowable unencumbered payment list](#) that require a contract the [Independent Contractor Agreement](#) should be used per the instructions below.

IMPORTANT NOTES: It is recommended that we use one of the contract forms below whenever a contract is required or in the best interest of the University. However, if a supplier insists upon using their own contract form, please refer to the Procedures for

Suppliers Contracts, available on the Procurement Services website on the [Procurement Procedures](#) page.

Any supplier that will be entering into an agreement with FIU must be set up as a supplier in PantherSoft prior to the contract being prepared.

For honorariums to individuals, Departments should refer to the Honorarium Procedure on the Office of the Controller website at: <http://finance.fiu.edu/controller/AlfaIndex.html#H> for instructions.

Insurance: For assistance in determining the insurance requirement for a given agreement, please visit the [Environmental Health and Safety](#) website.

Services/Entertainment/Performance Agreement: One-Time Payment

The Services/Entertainment/Performance Agreement template must be used for all service and performance purchases valued at more than \$5,000 when a supplier is providing a one-time service on the [allowable unencumbered payment list](#) and will be paid in full upon completion of said service/performance. It may be used for a variety of services and/or performances, including but not limited to performers, entertainers, guest speakers, and lecturers. This agreement template **cannot** be used for foreign suppliers, which includes foreign individuals and foreign companies.

The contract template is to be filled out in its entirety by the requesting department, except for the FIU contract number field on the top right hand corner; Procurement Services will assign the FIU Contract number prior to having the contract executed. Note that this contract template has two payment options – you may choose to pay the supplier a set all-inclusive fee or to pay a fee that does not exceed your budgeted amount, in an amount to be determined based on a calculation you provide (such as an hourly rate). If this option is selected the requesting department must verify the final amount invoiced by the supplier and confirm that it does not exceed the budgeted amount and is in fact commensurate to the services provided. Regardless of the option selected, the supplier is required to submit bills for compensation for services or expenses in detail sufficient for proper pre-and post-audit. Invoice requirements are available on the Office of the Controller website at http://finance.fiu.edu/controller/QL_AccountsP.html.

The Services/Entertainment/Performance Agreement template is available on the Office of the General Counsel website under [Contracts and Forms](#). This contract does not require a requisition or purchase order. Payment Services will issue a single payment once the services have been rendered and the electronic [Unencumbered Payment Form](#) is completed.

Once the requesting department has completed the contract template, the following steps shall be taken to process this agreement.

- Department sends contract to supplier for signature (an electronic signature is all that is required);
- Supplier returns signed contract to department (an email with the signed contract attached is acceptable);
- Department's accountable officer signs and prints his/her name and dates contract (by signing the agreement the accountable officer is confirming that the funds for this purchase are available and approved for use and that the information on the contract has been verified and is correct);
- The signed Services/Entertainment/Performance Agreement is submitted to contracts@fiu.edu (hard copies will not be accepted);
- Procurement Services assigns a Contract Number, enters contract information into Total Contract Manager (TCM), obtains Procurement Director's signature and returns fully executed contract back to the requesting department;
- Department sends executed contract to supplier for their records and keeps an electronic copy, at which point the services may be rendered by the supplier;
- Upon suppliers' completion of services the requesting department must initiate payment by completing and submitting the electronic [Unencumbered Payment Form](#) (must include a copy of the executed contract and invoice from the supplier with the electronic submission of the form) to Payment Services;
- Payment Services will issue a single payment to the supplier.

When the contract is used specifically for performers, if the performer requires a check be given to him/her on the date of the event, the contract should be processed per the procedure outlined herein, but once the contract is executed the requesting department must submit the electronic Unencumbered Payment Form to Payment Services prior to the date of service. The executed contract, an invoice from the supplier, and a memo from the requesting department must be included with the electronic Unencumbered Payment Form. The memo from the department must outline why payment is needed in advance and must include the details of when payment will be delivered to the supplier.

Helpful Tips for Completing the Services/Entertainment/Performance Agreement

- There must be no blank spaces left on the contract form once completed; use "N/A" to fill in a blank if it is not applicable to the specific arrangement.
- The FIU Contract # is assigned by Procurement Services; the requesting department should not fill this blank in with anything.

- The Services description is the area in which the work to be performed is described. It should include the specific purpose of the services, any list and all goals, milestones, reports, requirements, expectations, deliverables and end products that are expected to be provided by the Supplier. It is recommended you include a schedule, specific dates and/or a timeline of expected deliverables whenever applicable. If there are meetings, calls, conferences, or other “soft” deliverables, they should also be outlined. Any requirement that is not an end product of a specific task, but is required of the Supplier, needs to be described. Such information should be outlined in a clear, concise manner to ensure no confusion or misunderstanding about the business/operational terms of the contract. This section outlines what we expect to receive from the Supplier, so it is to your benefit to be as detailed as possible.
- In the Fee/Compensation section of the contract the requesting department must select one of the two options, depending on how total fee for service is being determined. If the exact fee for service is known at the time the contract is being prepared, then the first option should be selected and the fee should be outlined as a fixed amount. If the exact fee for service is unknown at the time the contract is being prepared, then the second option should be selected and a maximum amount payable to the supplier for the services outlined in the contract must be listed. The second option is typically selected when a requesting department is paying a supplier an hourly rate and is unsure of how many hours will be required for completion of the service; in this case the requesting department will just need to have an amount listed that cannot be exceeded.
- In the Payment Terms section there is a space available to include a payee. This should be N/A in most cases. A payee should only be listed in cases where the contract is for an entertainer/performer and the entertainer/performer’s agent is the supplier entering into the contract with FIU on behalf of the entertainer/performer but payment must be made to the entertainer/performer.
- In the Payment Terms section the Special Payment Terms space available should be used if payment is required on the date of an event or within a specific number of days following the event or service, if it is different than FIU standard payment terms of forty (40) days.
- The FIU Contact Information section should include the contact information for the FIU employee who is managing the agreement, which includes overseeing the provision of service and ensuring all requirements, expectations and deliverable are being met.
- The pdf contract template is set up for digital signatures. The supplier and the FIU accountable officer may click on the signature box and sign the form digitally. This is the preferred signature method for this contract template. However, if the supplier of

FIU accountable officer is unable to do so, a copy may be printed, signed, scanned and emailed per the instructions outlined above.

- Agreements for services/performance valued at less than \$5,000, submitted AFTER services have been rendered will NOT be signed by Procurement. The requesting department must complete the allowable unencumbered payment request form without an agreement. Agreement for services/performance valued at \$5,000 or more are required even if submitted after the services have been rendered and must be submitted to Procurement for signature before submission of the allowable unencumbered payment request form. Any department that submits an agreement for \$5,000 or greater to Procurement after the services have been rendered will be documented as being out of compliance with the Procurement requirements of the University and, after three (3) such occurrences, the appropriate department head will be notified.

Independent Contractor Agreement

The Independent Contractor Agreement template is to be used for purchases valued at less than \$75,000, when a supplier is providing services that are not on the [allowable unencumbered payment list](#), or when a purchase order *and* a contract are required by the supplier. The contract template is to be filled out in its entirety by the requesting department.

If a purchase is for more than \$75,000 and not on the [allowable unencumbered payment list](#), please contact Procurement Services for assistance.

When using this contract template, the requesting department must enter a requisition into Panthersoft in order for a purchase order to be dispatched once the agreement is fully executed. Additionally, a Contract Manager in your department must submit the contract in Total Contract Manager (TCM) for approval and signature by an authorized FIU signatory. TCM will generate a contract number, which will need to be added to the face of the contract by the Contract Manager.

Once the requesting department has completed the contract template, the following steps shall be taken by the TCM Contract Manager to process this contract.

- After confirming the supplier is available for selection within TCM, the Contract Manager is ready to Create New Contract;
- Contract Manager adds the TCM-generated contract number to the first page of the agreement, fills out the contract header information, answers a series of questions, uploads the contract as an attachment, and sets up the contract for eSignature;
- Contract Manager submits the contract for approval;

- TCM will automatically initiate an approval workflow based on the responses to the questionnaire;
- Upon approval, the Contract Manager will be notified via TCM and e-mail that the contract is ready to be sent out for signatures;
- Contract Manager will launch the DocuSign application within TCM;
- DocuSign will route the contract for electronic signatures to the supplier and the FIU signatory;
- Upon contract execution both contract parties will receive a copy of the fully executed agreement;
- Contract Manager will be notified via TCM and e-mail once the contract is in executed status in TCM;
- Contract Manager will coordinate with the Procurement Agent to have a purchase order issued;
- Department must create receipt(s) for the purchase order in Panthersoft as services are rendered and submit invoices to the Payment Services for payment to the supplier as outlined in the contract.