

CONTRACTS REVIEW 2016

In order for the legal department to adequately and efficiently conduct contracts review, we need to be able to review contracts with definition, context, and direction. In that regard, for contract review, please make sure the following is forwarded:

- ☐ Identity of the sender, including contact information
- ☐ The date information was delivered to the legal department
- ☐ A short explanation of what the documents represent (e.g. a brief description of what we are purchasing and if it is part of a larger project or initiative) and what objective is being pursued (what is trying to be accomplished, and what the legal department is called upon to do)
- ☐ A copy of the complete contract/agreement, completed in its entirety and lacking only signatures (i.e. no other blanks), including any prior agreements that the contract submitted for review would be amending, extending, or otherwise revising
- ☐ A brief explanation of how the goods/services were procured, and a copy of the solicitation materials if referred to in the proposed contract (contact Procurement Department in advance of submitting to Legal, if necessary)
- ☐ A brief explanation of why one of our standard contracts is not being used, if applicable.
- ☐ Any historical information (is this a continuation of a previous arrangement, have we entered into a similar contract in the past for the same goods or service with the same company, etc.)

Any other relevant information (e.g. any previous issues with this vendor; potential that the contract may need to be modified before it ends; specific requests from Council or executives with regard to the contract; etc.)
- ☐ A copy of any underlying contracts associated with the one being considered (such as cooperative purchasing agreements or information found at contract-referenced Internet pages)
- ☐ The identity of the individual to whom the contract/documents are to be returned
- ☐ Any timeline involved, including date contract begins (or desired start date)
- ☐ Routing sheet with all required pre-approvals

Please anticipate that the normal turnaround time for a contracts legal review is one week minimum. Unless there are exceptional circumstances dictating otherwise, please plan ahead for this review period.

NOTE: When MUNIS is fully implemented, training will be provided to automate some of the requirements above. This training is expected to occur in March 2015.

Please also remember the following:

- Certain standard vendor terms are not acceptable to the County.
- The County does not make payments in advance of receiving goods or services unless a unique situation occurs in which the County Administrator must authorize approval.
- The authority to contractually bind the County is vested with the Administrator and those individuals to whom the Administrator has specifically delegated that authority.
- Whereas the standard County contracts (i.e. construction, professional services, goods/equipment) are pre-approved, they should only be used for the purpose intended (construction for construction, professional services for professional services, goods for goods). If there is an unusual or hybrid situation, check with legal.
- And whereas the standard County contracts are pre-approved, if they are modified in any way, including the addition of a vendor exhibit, they should go through legal review.