

College Operating Procedures (COP)



Procedure Title: Contracts and Renewal Process
Procedure Number: 10-0101
Originating Department: Office of Operations

Specific Authority:

Board Policy
Florida Statute
Florida Administrative Code

Procedure Actions: Adopted: 08/23/2022

Purpose Statement: To ensure that all College service agreements including, but not limited to Contracts, License Agreements, Quotes, Proposals, and Memoranda of Understanding (MOU) are submitted, reviewed, and approved in a consistent, methodical, efficient, and thorough manner.

Guidelines:

This policy sets out the rules and procedures relating to all *contracts* performed for the College. All College employees shall adhere to this policy as it relates to all aspects of College *contracts*. Attempting to circumvent guidelines within this procedure may result in the non-approval of a *contract* or cancellation of an event or service. College Operating Procedure (COP) 05-0106: Employee Acceptance of State Laws, College Policies and Procedures states employees that violate the policies of the College may be subject to disciplinary action including termination.

Definitions:

"Contract": A written agreement intended to be enforceable by law which outlines goods and professional services involving the College which include, but are not limited to: Agreements, Quotes, Proposals, and Memoranda of Understanding (MOU).

Procedures:

1. Administrative Coordinator serves as the liaison between department, Legal and Risk Management. Administrative Coordinator performs first review of contracts ensuring language is consistent with college approved templates or for renewals is consistent with the prior legal approved contract.
2. Risk Management reviews contracts for appropriate insurance requirements and risk transfer and informs Vice President of Operations of potential exposure.
3. General Counsel reviews contracts are legally sufficient - i.e. complies with relevant federal and state laws, policies and procedures, conforms to the College's expectations, adequately protects the College's interests and rights. Contract language is developed

by the Office of General Counsel and changes are made in the document. FSW General Counsel is the primary contact with other parties' legal counsel.

4. It is the responsibility of the department to negotiate the terms of the contract that are in the best interest of the college.
5. Contracts are to be submitted for review and approval within fourteen days (14) of contract start date. New contracts are to be submitted for review within thirty days (30) of contract start date.

College Contracts – single contract or templates created by FSW General Counsel

1. General Counsel is the owner of these templates and makes necessary changes to update the templates for any updates to laws.

These templates will be reviewed every two years

- Arena Use Agreement – BO-078
 - Facility Use Agreement – BO-035
 - Clinical Affiliation Agreement – GC-13
 - Trademark License Agreement – GC-12
 - Independent Contractor Agreement – GC-03
 - Art Loan Agreement – GC-07
 - Mentor Teacher Agreement – GC-09
 - Speaker Agreement – GC-11
 - Contract Termination and Cancellation letter
2. Contracts submitted by departments which are using the colleges templates will be reviewed by the Office of Operations to ensure that vendor information is complete.
 3. Requests for changes to college contract language will not be allowed unless expressly authorized by General Counsel.

Contract Renewals - These are contracts with FSW vendors for services or annual/multi-year events that renew regularly.

1. Contract renewals are reviewed by General Counsel on the third year of an annual renewal or upon entering a new agreement with an existing party for a multi-year term .
2. Administrative Coordinator of Contracts and Operations will forward to General Counsel for the 3rd year review.
3. Changes to contract language by General Counsel are made in the document by the Office of General Counsel.

4. Contract renewals for year 1 and 2 will be reviewed by the Office of Operations to ensure contract language has not changed from the previous legally reviewed contract.

New Contracts

1. Any contract or other documents submitted that is new to the college will be forwarded to General Counsel to review the entire document.
2. Any changes to the contract language will be made in the document by General Counsel.
3. FSW General Counsel may need to reach out to the department or other party General Counsel as needed for detailed information regarding the contract.

Contract Cancellation

1. Any contract that the department wishes to cancel/terminate prior to the end of the contract terms must notify the Administrative Coordinator.
2. Administrative Coordinator will review contract terms and confirm with legal counsel prior to issuance of Notice to Cancel Contract.
3. Administrative Coordinator upon General Counsel approval will send the notice to the vendor and copy the department.