

## PALO ALTO COLLEGE COLLEGE PROCEDURES

Procedure Number: A 20.0  
Procedure Title: Processing of Agreements, Contracts, and MOUs  
Relevant Board Policy: [B.5.4 Contractual Authority](#)  
Originating Unit: Vice President of College Services  
Maintenance Unit: Vice President of College Services

- I. Purpose: To document contractual agreements in written form consistent with prudence and applicable law and to provide a process for the routing of agreements/contracts to Alamo Colleges District Legal Services prior to obtaining signatures.

II. Procedure Statement:

Palo Alto College departments utilize agreements and/or contracts to deliver and procure items and/or services from various external sources. These agreements and contracts have legal and budgetary implications that require various levels of approval and oversight. It is important that agreements/contracts be routed and approved by the appropriate levels.

- A. All agreements/contracts originating at the College must be routed to the Vice President of College Services (VPCS) who provides pre-authorization to the relevant department and serves as a contact with Alamo Colleges Legal Services and the Office of the President. Documents must be approved by legal, fully executed and signed by both parties prior to event/services taking place.

It is also very important to provide a four- to six-week lead time for review of agreements/contracts or 8 weeks (60 days for larger events). A larger event is defined as over 250 attendees. This timeline will allow for the review and approval of the agreement/contract and to further provide ample time to the departments to set up purchase orders tied to agreements/contracts once approved.

1. The party originating the agreement/contract should include the information listed below in agreement/contract **or** in the accompanying memorandum (See Attachment B Memo Template):
  - Legal name of the parties
  - Full contact information to include email, physical address and phone number either in document or in accompanying memorandum
  - Dates of performance/event
  - Deliverables
  - All terms in writing
  - Approved funding source (FOAP) for agreement/contract and requisition (PCARD cannot be used for contracted services)
  - Any other information as requested in the templates

2. All agreements/contracts that originate within a department will proceed through the supervisor, Department Chair/Division Dean/Vice President, and will then be forwarded to the VPCS Office for pre-approval. The department staff will forward the Word document via email to the VPCS Office.
  - To prevent premature agreement, the originating agreement and/or contract should not have any signatures upon being forwarded to the VPCS Office.
  - For contracts relating to the use of space and all services agreements except low-risk, the evidence of insurance certificate (Certificate of Insurance-COI) shall also accompany the originating agreement and/or contract. The external organization/vendor shall obtain at its own cost insurance to cover the external organization/vendor at the minimum levels of coverage specified by Alamo Colleges Legal Services (acceptable coverages are outlined in the respective agreement under the section captioned-Insurance).
  - COI must be secured prior to VPCS routing to legal to ensure active COI is received and documented. This requirement is in place for the College even though agreement states that, “Contractor shall, at the time of execution of this agreement, provide Alamo Colleges District with a copy of a certificate of insurance evidencing all applicable required policies which must list “Alamo Community College District” as a NAMED ADDITIONAL INSURED and beneficiary of contractual indemnification coverage and waiver of subrogation.”

B. Upon pre-approval by the VPCS Office, the VPCS Office will submit the documents to Alamo Colleges Legal Services for their review and approval. Once approved, Alamo Colleges Legal Services will provide signature authorization for the VPCS, President, Purchasing or the Chancellor, as appropriate under Procedures C.1.5.1 & C.2.11.2 such as:

- For the purchase of goods and/or services, the VPCS Office will forward the proposed agreement to Legal Services. Legal Services will often approve agreement and forward the documentation to purchasing for signature if on a vendor form of agreement or exceeding \$10K in college financial obligation.
- Once agreement/contract is submitted to VPCS Office, the originating department should begin Requisition process at the same time to avoid any delays on processing payment.
- Purchasing must monitor purchase agreements District-wide to ensure that the relationship with any vendor daily measured over 12 months does not reach \$50,000 without competitive procurement or meeting one of a few narrow exceptions.

Contracts and renewals or extensions of contracts valued at more than \$100,000 must be approved by the Board unless the contract itself is part of an approved cooperative purchases program processed through Purchasing. Once approved by the Board, the Chancellor or designee may sign the contract. **B.5.4 (Policy) Contractual Authority.**

- C. All contracts reviewed and approved by Alamo Colleges Legal Services will be returned directly to the VPCS Office for signature.
- D. VPCS Office will forward Alamo Colleges Legal Services approved contract/agreement back to the originating department by email and request that the originating department obtain authorized vendor signature and return signed agreement/contract to VPCS Office.
- E. VPCS Office will obtain the final signature(s) needed and will return fully signed agreement/contract to respective originating department.
- F. The originating department will forward a copy of the fully signed agreement/contract to contractor and/or organization.
- G. A copy of all Contracts will be kept in the VPCS Office with another copy forwarded to Alamo Colleges Legal Services.

Document	Routing Process & Signatures Required
Proposed Contract	BM/OD> Dean/DC (where appropriate)> VPAS/SS> VPCS> VPCS forwards copies to Alamo Colleges Legal Services for review & approval>LS returns to VPCS> OD for vendor signature>OD forwards vendor signed document to VPCS>VPCS forwards to President for signature> for Chancellor (where appropriate) OD to obtain signature and return copy to VPCS
<i>Once signed</i>	VPCS> sends copies of executed Contract to OD and Alamo Colleges Legal Services
BM= Budget Manager OD= Originating Department CS= College Services DC= Department Chair/Director/Dean LS= Alamo Colleges Legal Services VPAS/SS= Vice President of Academic Success/Student Success	

Attachment A: Process Overview of Contracts and Agreements and FAQs

Attachment B: Memo Template

Attachment C: Appendices Example

Attachment D: Quick Reference Guide

Date Created: July 22, 2020

Date Updated/Approved: September 1, 2020

Approved:

(signed: Katherine Doss)

Vice President of College Services

(signed: Dr. Robert Garza) Presiden

