

# Standards for Executing an Agreement as a Formal Contract

## STN-U5348.01A

---

**Authority:** POL-U5348.05      Reviewing and Approving University Contracts  
**See Also:** [FRM-U5348.05A](#)      Contract Owner Delegation Form

The following are required steps to assess whether or not a contract is required, and the steps to execute a request for a contract through Contract Administration.

### 1. Determine if an agreement must be executed as a formal contract

**1A. Determine if an agreement must be executed as a formal contract by reviewing the list of “Agreement Types” below on page 3.**

All purchases of goods or services that do not require a formal contract must comply with the *Purchasing Goods and Services* policy (POL-U5348.01) and related standards and procedures.

**1B. Draft contract if one not provided by vendor.**

Contact Contract Administration for assistance and templates.

### 2: Required Elements of an Agreement

**2A. The Contract Owner must consider the following elements when reviewing the draft contract:**

- It accurately reflects the current state of negotiations,
- It meets programmatic and University mission and operational requirements,
- It is in the best interests of the University,
- It contains obligations that can be fulfilled,
- It has regulatory requirements that can be met, and
- It is sufficiently clear, consistent, and fiscally prudent.

### 3: Stakeholder Review

**3A. Request the following individuals review the draft contract and provide feedback:**

- The appropriate vice president if the contract will be perceived as a significant transaction for reasons such as, but not limited to,
  - Involves expenditure of funds that are significant in relation to the budget of the department, unit, or college that will be the source of funding,

---

Effective Date: 7/1/18

- Is likely to generate significant positive or negative publicity controversy,
  - Could result in unusual or significant liability, or
  - Involves international or out of state operations.
- Individuals required by internal division, college, unit, and/or department approval protocol,
  - The head of any University department/unit(s) that may be significantly affected by the performance or is contributing funds for the contract, and

**3B. Maintain documentation of the request and feedback.**

**4: Compliance Owner Review**

**4A. Determine whether or not the contract contains any of the following content.**

The draft contract must be sent to each of the listed Compliance Owner associated with any content listed below.

Contract Content	Compliance Owner – Review Required
Provision or exchange of student data of any kind	David Brunnemer, Registrar/FERPA Officer
Medical/health information	Nicole Goodman, Compliance Manager/HIPAA Officer
Provision or exchange of employee Information of any kind	Chyerl Wolfe-Lee, Assistant VP for Human Resources
Provision or exchange of individual’s financial data (SSN, credit card or bank account information)	Teresa Hart, Director of Financial Services
Hazardous Materials	Sue Sullivan, Director of EHS
Children/Minors	Risk Manager, Paul Mueller
Special Events	Risk Manager, Paul Mueller
Intellectual property, copyright or patents	Gautam Pillay, Vice Provost for Research
Contracting outside work	Chyerl Wolfe-Lee, Assistant VP for Human Resources
Utilization of University space	Francis Halle, Space Administrator
Purchase of a controlled or prohibited item (e.g. alcohol)	Pete Heilgeist, Chief Procurement Officer
Purchase of large equipment	Francis Halle, Space Administrator

## 5: Electronic Approval via Contract Administration System

Following completion of the steps listed above, follow the procedures for Approving Contracts (PRO-U5348.05A).

## AGREEMENT TYPES

---

The lists below are not all inclusive nor static, therefore employees are strongly encouraged to review both lists before entering an agreement on behalf of the University to ensure the proper process.

**Agreements not required to comply with the *Reviewing and Approving University Contracts* policy (POL-U5348.05) but must receive approval from the department referenced.**

Type of Agreement	Process/Approval Required
Employment agreements	Human Resources
A&E Public Works agreements	Facilities Development/Capital Budget
Agreements involving grant funding	Research & Sponsored Programs (RSP)

**The following are agreements or elements of an agreement with external parties that must comply with the *Reviewing and Approving University Contracts* policy (POL-U5348.05) and have an agreement executed through Contract Administration.**

- Agreements to buy, sell, or rent goods
- Involves the collection, processing of, sharing, or exchanging personal information of individuals
- Agreements to provide, obtain, or rent services, equipment, facilities, or property
- Memorandums of Understanding (Cooperation or Agreement) with external entities for the accomplishment of particular purposes
- Affiliation agreements
- Leases of movable property, such as tools, equipment, vehicles, etc.
- Leases, deeds, and other conveyances affecting interests in real property
- Waivers and releases
- Nondisclosure or confidentiality agreements

---

Effective Date: 7/1/18

- Student or faculty exchange agreements
- Software license agreements (including on-line “click-thru” agreements, and End User License Agreements)
- Agreements with terms and conditions (including **on-line** acceptance of terms and conditions)
- Student internships
- Volunteer agreements
- RFP bid acceptance
- International agreements or the contract says it is governed by the laws of another country
- Obligate the University to defend, indemnify or hold harmless the other party(ies) or add them as additional insured’s to University insurance policies
- Limit the amount or types of liability of the other contracting party, its subcontractors, agents, or successors
- Disclaim or limit warranties
- Require University operation, and/or resources including facilities and employees
- Require dispute resolution
- Results in creation of a subsidiary, joint venture or partnership, or any form of controlled entity
- Inhibit or prevent publication of research by faculty
- Involve export control laws
- Grant the University or its faculty equity interests in a venture
- State a time within which the University must make a claim (e.g. under a warranty) or bring a lawsuit.

**If unsure, contact Contract Administration at 360.650.6340.**