

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; 4/18/2024

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 service agreement *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 is the liaison between department, and the Office of Risk & Contract Management. Administrative Coordinator shall perform first review of contracts ensuring all documents are properly submitted for legal review.
2. The Office of Risk & Contract Management shall then review contracts for language consistent with college approved templates, or for renewals, review contracts for language consistent with the prior legal approved contract. Additionally, Risk & Contract Management shall review contracts to ensure appropriate insurance requirements and risk transfer are met, and will inform the Senior Vice President, Chief Operating Officer of potential exposure, if applicable.

3. The Office of Risk & Contract Management shall review contracts, seeking consult from General Counsel as necessary, to ensure legal sufficiency – including, but not limited to, compliance with relevant federal and state laws, compliance with policies and procedures, conformity with the College's expectations, and adequate protection of the College's interests and rights. Contract language is and shall be developed by the Office of Risk and Contract Management any changes made in the document must be approved by Risk & Contract Management. FSW Risk & Contract Management the primary contact with other parties' legal counsel and will seek General Counsel's assistance as needed.
4. It is the responsibility of the submitting 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 no later than fourteen days (14) prior to contract start date. New contracts are to be submitted for review no later than thirty days (30) prior to contract start date. However, it is highly encouraged that departments submit recurring annual maintenance contracts by April 1 for July 1 contract commencement terms.

College Contracts – single contract or templates created by the College

1. The Office of Risk & Contract Management is the owner of all college contract templates and is authorized to make necessary changes to update the templates, in accordance with the policies and procedures established in this document.

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 Risk & Contract Management to ensure that vendor information is complete.

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 or Risk & Contract Management 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 shall forward contracts needing renewal to Risk Management and Contracts or General Counsel for the 3rd year review.
3. Contract renewals for year 1 and 2 will be reviewed by the Office of Risk and Contract Management to ensure contract language has not changed from the previous legally reviewed contract.

New Contracts

1. Any contract or other documents submitted that are new to the college will be reviewed by the Office of Risk & Contract Management and forwarded to General Counsel as needed to review in its entirety.
2. Any changes to the contract language will be made in the document by Risk & Contract Management.
3. Risk & Contract Management or General Counsel may reach out to the department or other party's legal department as needed for more details regarding the contract.

Contract Cancellation

1. Any Department that wishes to cancel/terminate a contract prior to the end of the contract's terms must notify the Administrative Coordinator.
2. Risk & Contract Management must review contract terms and consult with General Counsel as necessary prior to issuance of Notice to Cancel Contract.
3. Risk & Contract Management will then send the notice to the department which is responsible for forwarding the cancellation notice to the vendor.