

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 6300

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**PROCEDURE TITLE:** Contracts, Agreements, and Leases - Signature Requirements and Procedures

**STATUTORY REFERENCE:** Section 287.017, Florida Statutes  
State Board of Education, Rule 6A-14.0734, Florida Administrative Code, Section 448.095 (3)€, Florida Statutes, General Labor Regulations

**BASED ON POLICY:** VI-2 Bidding for Commodities and Services  
VI-30 Contractual Agreements with Individuals or Organizations for Professional and Technical Services  
II-51 Salary Administration: Professional Exempt  
Contractual/Professional Exempt Non-Contractual/Support Non-Exempt

**EFFECTIVE DATE:** April 4, 1984

**LAST REVISION DATE:** November 8, 2005; June 28, 2023

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## **I. PURPOSE**

To provide the necessary signature requirements and procedures to be used when submitting various types of contracts, agreements, and leases for approval.

## **II. PROCEDURE**

Miami Dade College enters into various agreements with agencies, vendors, and other private entities for the provision of goods and services to the College. As required by Miami Dade College Policy, authorizations for these agreements are to be in accordance with Florida Statutes, State Board of Education Rules, and the regulations of the District Board of Trustees.

### **A. Purchasing Contract Thresholds**

Authority to recommend, approve, and sign purchasing contracts are subject to the following contractual amounts based on cumulative totals college-wide in each fiscal year. Each Category threshold is set out in Section 287.017, Florida Statutes, as may be amended. As used in this Procedure, a "Senior Administrative Employee" is a full-time

College employee in Pay Grade 21 or above as designated by the Human Resources Department.

1. Purchasing contracts, including Agreements for Services, that do not exceed Category Three in the annual cumulative total may be approved by a Senior Administrative Employee.
2. Purchasing contracts, including Agreements for Services, that exceed Category Three but do not exceed Category Five in the annual cumulative total must be submitted for approval to the College President or the Executive Vice President and Provost.
3. Purchasing contracts, including Agreements for Services, that exceed the Category Five in the annual cumulative total must be submitted for approval to the District Board of Trustees.
4. Agreements for Services based on a daily rate that do not exceed \$500 per day may be approved by a Senior Administrative Employee, subject to subsections 1-3 above.
5. Agreements for Services based on a daily rate that exceed \$500 per day or where a daily rate cannot be established (except expense-only reimbursement contracts) must be submitted for approval to the District Board of Trustees.

The College will submit a monthly report to the District Board of Trustees of all purchasing agreements with any supplier/contractor/vendor which exceed Category Three but that do not exceed Category Five. All purchasing contracts must comply with MDC Procedure 6000, unless otherwise exempted by the Purchasing Department. If the College-wide, cumulative contractual totals within a fiscal year for any supplier/contractor/vendor exceed a threshold stated above, an updated approval must be obtained.

#### B. Method of Contracting

Contractual arrangements involving non-recurring, short-term, technical, or professional services in which no sustained relationship exists between the College and the Contractor may be executed via the Agreement for Services guidelines outlined in this Procedure. Under this arrangement as defined, the College and the Contractor acknowledge that the Contractor is performing technical or professional services as an independent contractor. Effective dates of services performed by a Contractor pursuant to an Agreement for Services shall not extend beyond June 30<sup>th</sup> of any given year; however, the Executive Vice President and Provost may approve an exception to this provision.

1. The procurement of services for which the definition of an independent contractor relationship is not met may not be secured via the established Agreement for Services guidelines outlined in this Procedure.
2. Other contractual arrangements, such as leases and/or long-term service contracts for common, recurring technical services, may be executed via an agreement provided by the Contractor. In these instances, the proposed contract must be reviewed and approved by the Office of Legal Affairs and/or the Purchasing Department prior to execution. This review may require feedback from other areas, such as the Risk

Management Department, Office of Facilities Management or the Office of Information Technology prior to execution. Accordingly, sufficient lead time should be provided in advance of the requested contractual arrangement.

C. Signature Requirements and Processing

1. Purchase Orders issued by the College must be signed by the Director of Purchasing. The College President or designee must approve purchases that require emergency action.
2. Agreements for Services

The Agreement for Services form is used for obtaining non-recurring, short-term, technical or professional services of individuals, companies, or organizations. The agreement must be signed and dated by the Contractor and Originator, respectively. The agreement is not deemed to be fully executed until all of the required College signatures are secured. The College's final approver, as defined in this Procedure, shall be the last to sign the form. The original signed agreement should be submitted to the Purchasing Department and copies may be provided to the Contractor, the Originator, and the Originator's Campus President/Vice Provost/Vice President, as appropriate. Once a fully executed agreement is secured, the Originator shall input a Requisition in MDConnect, attach a scanned copy of the Agreement for Services to the online Requisition, and note the Requisition number on the Agreement for Services form.

The Agreement for Services Form is available on the Business Affairs website. All pages of the Form, as well as attachments such as addenda, statements of scope of work, resumes (for individuals), proof of insurance (when required), etc. must be included for approval and Purchase Order processing. All sections of the Form must be filled in (in typed format) and if a section is not applicable, "N/A" must be typed in the section. Handwritten or incomplete Agreement for Service forms will be returned to the Originator for corrective action.

i. Definitions

- (a) Consultants are persons the College utilizes to perform a non-recurring task. The services of the individual are available to the general public and other employers. The individual must be eligible to work in the U.S. as per U.S. Department of Homeland Security and the Social Security Administration and must be E-verified as per Florida Law. Consultants may perform services for multiple organizations simultaneously. The work to be performed is specific and specialized with the individual having expertise at a professional level, which allows the task to be accomplished without instruction or training. The consultant is free to set his or her own work methods, place, and time. The assignment is generally short term, lacks regularity, and there is no sustained continuing relationship between the College and the consultant.
- (b) Actors may be engaged individually or through an agent to perform in professional productions, mini-series, or personal presentations

produced by the College.

- (c) Guest lecturers, models, game officials, and providers of other intangible services may be procured within the guidelines established by this Procedure.
- (d) Agreements with individuals shall include the delivery of services for an established daily rate and may include reasonable travel and agreed-to expense reimbursement within the guidelines of MDC Procedure 3400 and Section 112.061, Florida Statutes relating to economical travel and/or per diem.
- (e) In accordance with College Policies II-51 and VI-30, active full-time and part-time employees of the College are not eligible to be contracted under an Agreement for Services.

ii. Processing

- (a) In those cases where an agreement is initiated by a Senior Administrative Employee, the review by and signature of the College President or the Executive Vice President and Provost is required.
- (b) If an agreement must be submitted to the District Board of Trustees, the agenda item will be prepared by the Originator in the appropriate format and forwarded to the appropriate Campus President, Vice Provost, or the Executive Vice President and Provost for Board action.
- (c) After all signatures and approvals are obtained on the agreement form, the agreement shall be returned to the Originator for forwarding copies and input of a Requisition. A copy of the Board-approved agenda item should be attached to the Agreement for Services and submitted to the Purchasing Department in accordance with this Procedure.

iii. Payment Processing for Agreements for Services

- (a) Purchase Orders shall be established to facilitate payment(s) on all Agreements for Services. After all approvals and signatures are obtained on the agreement, the Originator shall initiate a Requisition and reference the Requisition number on the agreement. The agreement shall be forwarded through established channels of approval and the Purchasing Department for review and issuance of a Purchase Order.
- (b) Upon completion of the contractual service by the individual, company, or organization, the Originator shall submit signed invoice(s) to the Accounts Payable Department for payment in accordance with established College procedure. Signed invoices shall reference the appropriate Purchase Order number.

3. External Real Property Use or Rental/Lease

- i. When no lease is required, the Agreement for Services may be used following the processes in this Procedure.
  - ii. When a lease or other similar agreement is required for the external use of real property, the appropriate Campus President, Vice Provost/President, or the Executive Vice President and Provost, must review and approve the terms and conditions.
  - iii. For any external leases or other similar agreements, any insurance provisions must be reviewed and approved by the College's Director of Risk Management. This review may require feedback from other areas, such as the Office of Facilities Management or the Office of Information Technology prior to execution. These documents must be then sent to the Office of Legal Affairs for legal review and approval.
  - iv. Any agreements using College templates approved by the Office of Legal Affairs do not require Risk Management or Legal review unless modifications to the template are requested.
  - v. Sufficient lead time should be provided in advance of the anticipated start date.
  - vi. Payment Processing for Property Use or Rental/Lease
    - (a) The payment process for property use or rental/leases is the same as described in Section II.C.2.(iii). of this Procedure.
    - (b) If invoices are not a requirement for payment on the rental/lease agreement, then a copy of the rental/lease agreement may be used in lieu of an invoice as evidence of the appropriate payment terms.
4. Contracts with the Federal Government
- i. Contracts and agreements with the Federal government shall be presented to the Board for approval as a special agenda item. Any insurance provisions must be reviewed and approved by the College's Director of Risk Management. These documents must be then sent to the Office of Legal Affairs for legal review and approval.
  - ii. The agenda item will be prepared by the Originator in the appropriate format and forwarded to the Campus President or Vice Provost for Board action.
  - iii. After all signatures and approvals are obtained, the agreement shall be returned to the Originator for forwarding copies and input of a Requisition. The Originator will then forward the original document to the Purchasing Department in accordance with this Procedure.
5. Information Technology Consultants

- i. Agreements with individual consultants for information technology-related services must be reviewed and approved by the Office of Information Technology prior to execution. This includes agreements that require the consultant to have access to the College's computer systems, internet, intranet, website, or social media accounts, or where consultants will have access to College student or employee information. The Office of Information Technology may require additional documentation from the Originator. Any insurance provisions must be reviewed and approved by the College's Director of Risk Management. These documents must be then sent to the Office of Legal Affairs for legal review and approval.
- ii. The approval from the Office of Information Technology must be documented and attached to the Agreement for Services Form prior to securing the signatures of the Contractor and College approvers in accordance with this Procedure.
- iii. Signature requirements for Agreements for Services in connection with consultants for information technology-related services are the same as those described in Section II.A.2. of this Procedure.
- iv. After all signatures and approvals are obtained on the form, the agreement shall be returned to the Originator for forwarding copies and input of a Requisition. The Originator will then forward the original document, inclusive of attachments, to the Purchasing Department in accordance with this Procedure.
- v. The payment process for information technology-related consultant services is the same as described in Section II.C.2.(iii). of this Procedure.

#### D. General Instructions

##### 1. Rationale for the Board Agenda

Any agreements that require approval by The District Board of Trustees must be accompanied by a Board agenda item in appropriate format prepared by the Originator.

##### 2. College Liability

When a contract or agreement might subject the College to an insurance liability, the Originator must discuss the conditions of the contract or agreement with the Director of Risk Management and the Office of Legal Affairs.

##### 3. Insurance Coverage

Depending on the nature of services to be performed, the Contractor may be required to secure and maintain liability insurance for the duration of the term of the contract and provide the College with a certificate of insurance, naming The District Board of Trustees of Miami Dade College, Florida, as an additional insured. Originators may contact the Office of Risk Management for assistance in

determining whether this subsection applies to the proposed services.

4. Timely Submission of Contracts and Agreements

Contracts and agreements are not deemed to be executed until all required signatures are secured. To ensure the accuracy of this information, the Originator should obtain a completed IRS Form W-9 “Request for Taxpayer Identification Number and Certification” from the contracting party unless they are already established as a registered Supplier of the College.

Services may not be rendered until a fully executed agreement is secured. Under extenuating circumstances, the Originator must obtain prior written approval (i.e. email) from the Campus President, Vice Provost/President, or Executive Vice President and Provost.

5. Conflicts of Interests and Contracts and Agreements with Family Members of College Employees

Under no circumstances may any College employee execute or approve a contract or agreement with any person or entity which may cause or create the appearance of a conflict of interest as provided for in MDC policies and procedures, and under Florida law. Failure to comply with this guideline may result in discipline up to and including termination of employment, and as otherwise provided for by law.

6. Approval Designation

i. A Senior Administrative Employee may delegate signature authority to a direct report which is a full-time College employee in Pay Grade 17 or above, as designated by the Human Resources Department, for contractual amounts based on cumulative totals College-wide in each fiscal year which do not exceed \$5,000.

ii. A memorandum delegating signature authority for any fiscal year must be on file with the Purchasing Department and the Office of Legal Affairs.

iii. All delegations expire on June 30th of each year and must be renewed. In the event a Senior Administrative Employee or an employee with delegated authority under this subsection change position or separate from the College, any delegations shall also terminate.

iv. Any person executing any agreement without the authority as provided for under this Procedure may be personally liable under such agreement, and may be subject to discipline up to and including termination of employment, and as otherwise provided for by law.

7. College Template Agreements


i. The Office of Legal Affairs may develop and approve template agreements for use by College personnel. These template agreements permit College personnel

to easily add business terms such as price, quantity, specific scope of work, etc. and have standard legal terms already included.

- ii. Use of approved template agreements do not require review by the Office of Legal Affairs. College personnel are not permitted to change any terms on an approved template agreement.
- iii. The Office of Legal Affairs will periodically review and modify templates as deemed necessary. Updates will be documented by version date on the template.

8. Amendments to College Template Agreements

- i. Changes to price, quantity, term, and scope of work on the Agreement for Services may be amended using the Addendum form available on Business Affairs website. The addendum must be signed by the Contractor and the College’s final approver.
- ii. Changes to the approved terms and conditions provided for in templates approved by the Office of Legal Affairs, including the Agreement for Services form, are generally not permitted. There may be instances where the Contractor and Originator may have the need to modify terms, amend descriptions and/or details outlined in the template or original agreement. When necessary, an addendum or amendment to the template agreement may be completed and attached to a copy of the original agreement.
- iii. The proposed amendments must be submitted for review and approval to the Office of Legal Affairs. Once reviewed and approved by the Office of Legal Affairs, the addendum must be signed by the Contractor and the College’s final approver.
- iv. Upon execution, the Originator may request a Change Order to the Purchase Order (i.e. if total cost of service is affected by the addendum).

	06/28/2023
<b>PRESIDENT</b>	<b>DATE</b>