

06-10. Contract Execution

Internal Policies and Procedures of the Utah State Board of Education
Policy # 06-10
Subject: Contract Execution
Effective Date: 1/19/2018
Revision Dates:
Purpose: To provide uniform best practices and procedures for USBE staff to effectively execute contracts.
Policy: USBE Purchasing will work with the applicable section and stakeholders to execute awarded contracts in a timely manner, in compliance with Code, Rule, and USBE Policies.
References: Utah Code Annotated, Title 63G Chapter 6a, Utah Procurement Code; Utah Administrative Code Title R33; Utah Administrative Code Title R277-122

Procedures:

- Contract formation should commence when a vendor has been awarded a contract.

06-10.1. Scope of work creation

- The section is responsible for creating the scope of work, with input and assistance from the vendor, and Purchasing.
- The scope of work contains: (1) what the vendor agrees to do, (2) what USBE agrees to do, (3) instructions to the vendor, and (4) the specifications of the contract.
- For goods, it should list the specifications, including certifications, brand or equivalent, performance, functions, size, color, shape, delivery dates, quantities, packaging, shipping methods, cost per item or total cost as appropriate, etc.
- For services, it should list all work to be performed, when, where, what deliverables are expected, what results are expected, who will be performing the work, how the vendor will be paid for these services, what accompanies the services, etc.
- Included with the description of the goods or services, there must be a breakdown into billable tasks/ billable units/ milestones. Each of these tasks/units/ milestones MUST have appropriate and proportionate costs associated with them. The vendor will be required to cite to these billable tasks/ milestones/ deliverables. If the invoice does not correctly cite and reference these billable tasks the payment of the invoice may be delayed.
- The scope of work should also include any other non-payment driven milestones and deliverables. It should be clear what is expected when and in what format/condition. When plausible, these should also be tied to billable milestone events. If there are

regularly scheduled meetings with the vendor, make sure these are included in the scope.

- The scope should also indicate what can happen if performance or delivery is not satisfactory, for example, an escalation to management, reperformance, redelivery, etc.
- The scope of work should also include invoicing information.
- The scope of work may not include goods or services outside the scope of the general description of the procurement items contained in the solicitation and the vendor's response.
- When creating the final scope of work, the section should work with the vendor so that they are in agreement with the final product to be incorporated into the contract.
- When appropriate, a contract kickoff meeting may assist in drafting the scope of work with the vendor. This may be held in person, virtually, or through email.

06-10.2. Terms and Conditions

- Vendors requesting exceptions and/or additions to the Standard Terms and Conditions published in the solicitation must include the exceptions and/or additions with the proposal response. Terms and Conditions may only be negotiated in an RFPs, AVLs, Small Purchase of Professional Services and Consultants, or other approved exception to a standard procurement process.
- Only Purchasing, working with the Assistant Attorney General, can negotiate terms and conditions on behalf of the USBE.
- Purchasing will develop standard terms and conditions for use with USBE contracts and agreements or may adopt State Of Utah Division of Purchasing Standard Terms and Conditions as USBE terms and conditions. The most current USBE terms and conditions must be used for all solicitations and contracts when using standard terms and conditions.

06-10.3 Contract Drafting and Signature

- Purchasing will be responsible for assembling the contract and final review of all attachments. Once the contract is ready for signature, it will be sent to the section for review prior to going out to the vendor.
- Once the contract has been signed by the vendor, it will be reviewed by purchasing, finance, legal, and for data privacy before it will be presented to the USBE for approval or review. Purchasing will be the official repository for all contracts, interagency agreements, memoranda, and other agreements.