



UNIVERSITY OF MASSACHUSETTS DARTMOUTH PROCUREMENT MANUAL

Section 5.1 - Types of Services & Requirements

1. **Laws & Policies:** Contracts for professional services are subject to State and Federal Laws, IRS Regulations, UMass Board of Trustee Policy, University and Campus Policies and Procedures. This section covers general requirements for commonly used types of contracts, additional requirements may pertain or additional approvals may be required for unique contracts.
2. **Types of Contracts:** This section pertains to Contracts for Services including Consultants and Contracts for Guest Lectures, Speakers and Performers, refer to the references below for other types of service contracts that are covered in separate sections of the manual.
 - a. Equipment Maintenance & Repair/Operational Services refer to *Section 4: Equipment*
 - b. Building Maintenance & Repair refer to *Section 6: Labor & Construction*
 - c. Software Maintenance refer to *Section 7: Information Technology (IT)*
3. **Common Requirements:** Professional services cover a wide range of service categories and many types of contracts. Each contract, based upon the type of service, dollar value and type of vendor may have requirements that must be met in order for the University to enter into a contract with that vendor. A brief description of common requirements along with references to the appropriate sections appear below.
 - a. **Prior Approval:** Prior to a vendor providing services, the required contract documents and purchase order for that service must be signed, approved and issued. Refer to *Subsection 1.7: Financial Commitment* for more information.
 - b. **Signatory Authority:** All contract documents requiring a signature on behalf of the University must be signed by an Authorized Signatory. An Authorized Signatory is an individual who has received a letter of designation authorizing them to sign documents on the University's behalf. The Procurement Department will obtain the required signatures for all contracts once the contract documents have been reviewed and approved. Until these signatures are received the contract is not legally binding as the duly authorized signature of the University has not executed the contract. Refer to *Subsection 1.7: Financial Commitment* for more information.
 - c. **Department Contract Authorization/Approval:** A department initiates the request for and authorizes Procurement to complete a contract by completing the following:
 - Draft Scope of Services
 - Draft Contract for Services
 - Requisition Submitted in Buyways

Through this process the department is providing both approval for Procurement to sign a contract and validates that funds have been budgeted for the contract amount. A contract will not be signed until a requisition has been approved at the department level and is waiting for Procurements approval.



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Legal Review: All Contracts for Services for \$100,000 or more are subject to legal review by the Office of the General Counsel. This on average requires an additional 10 to 15 business day for review and negotiation if modification of the language is required. Procurement is the liaison between the campus and the Office of General Counsel.

- d. **Amendments/Changes to a Contract:** Changes to a contract may only be made through a contract amendment signed by an Authorized Signatory on behalf of both parties. Refer to *Subsection 5.11: Amendment to a Contract* for more information.
- e. **Dollar Thresholds for Service Contracts:** Depending on the dollar value of a contract different competitive bidding and contract document requirements exist. Generally, services can be obtained for less than \$50,000 without requiring a competitive bid. Services under \$10,000 require a purchase order (scope of services is recommended but not required), and services of \$10,000 or more require a contract for services, scope of services and purchase order. Refer to *Subsection 5.2: Dollar Thresholds* for more information.
- f. **Dollar Thresholds for Guest Lectures, Speakers and Performers:** Depending on the dollar value of a contract different competitive bidding and contract document requirements exist. Generally, services can be obtained up to a limit of \$10,000 by having the vendor sign Performer Terms of Engagment contract and issuing a purchase order. Between \$10,000 and up to \$50,000 services may be obtained by completing a performer contract accompanied by a purchase order. Over \$50,000 a competitive bid process or non-competitive award justification is required. Refer to *Subsection 5.8: Guest Lectures, Speakers and Performers* for more information.
- g. **Process:** Refer to *Subsection 5.3: Process (steps)* for a step by step process guide to completing a contract.
- h. **Independent Contractors:** If a contract is being entered into with an individual instead of a corporation than prior approval from the Human Resources (HR) Department is required. Prior to beginning the contract process the department must complete the Employment Status Form which can be found at <http://www.umassd.edu/hr/forms/> and submit it to HR along with the required documentation. Once HR has approved the individual as an independent contractor than the contracting process can begin. Refer to *Subsection 5.5: Independent Contractors* for more information.

*Note: This process is NOT required for Contracts for Guest Lectures, Speakers and Performers

- i. **Non Competitive Award Justification (NCAJ):** An NCAJ is required, when only,



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one individual or vendor is able to provide a certain service and the cost for the service is over \$50,000. This form, if approved by Procurement, allows a vendor to be contracted for a service greater than \$50,000 without a competitive bid process. The vendor must be the only individual or firm who is able to provide the required service in order for this to be approved. Refer to *Subsection 5.7: Non Competitive Award Justifications* for more information.

- j. **Legal Services:** All contracts for legal services require the prior approval of General Counsel in the President's Office. Contact Procurement for more information.