

Procedures for Obtaining Legal Review and Approval of Contracts

To properly execute an agreement and gain approval for any contract, the following steps must be taken. After a contract is signed, the initiating Department is responsible for managing the contract in accordance with the [Contract Management Policy](#) adopted by the Division of Finance.

A. CONTRACTS INVOLVING GOODS AND SERVICES:

All purchase transactions with the University require the University to issue a Purchase Order. In most cases, **the Purchase Order is the contract unless a separate agreement is signed. All suppliers should be strongly encouraged to accept the University's Purchase Order as the contract instead of going through the CAS process when possible.** If the supplier requires a signed contract, it must sign or has the right to amend the University's [Standard Terms and Conditions](#). The Procurement Policies and Procedures must be met, and University Counsel needs to review and approve prior to signature by the proper signatory authority. The following steps must be followed if you require a contract to purchase goods and services that was **NOT** initiated by an RFQ or RFP through Procurement Services. These steps are outlined below:

1. The Department must complete the Contract Approval Sheet, obtain signatures from its Vice President/Dean, obtain any additional signatory required (such as IT for IT contracts), and transmit it with all documentation to Procurement Services, including the contract document for review and provide support that the Procurement Policies and Procedures were met.
2. Procurement Services will either sign the Contract Approval Sheet if the initiating department has complied with the University's Procurement Policies, or reject it stating the reasons why, and return it to the initiating Department.
3. Upon approval, Procurement Services will route the CAS, the signed or amendment T&Cs, and the contract to the Office of University Counsel for review, with a copy to the Department.
4. University Counsel will review the contract, make any necessary revisions, and return it to Procurement Services and the Department noting any changes needed.
5. The individual within the initiating Department is responsible for forwarding any changes to the contract to the supplier and following up with the supplier to confirm acceptance.
6. When the supplier confirms acceptance of the contract, University Counsel will approve execution of the contract by signing the Contract Approval Sheet. **No contract may be signed unless it has been approved by University Counsel.** University Counsel requires ten (10) business days to review a contract.
7. University Counsel will forward the signed Contract Approval Sheet and contract to Procurement Services and the Department. The Department is responsible for obtaining the suppliers signature on the contract and returning to Procurement Services.
8. Procurement Services shall be responsible for obtaining the appropriate signatory authority's signature (per the [Signing Authority Policy](#)) on the contract. **The Department should not contact the signing authority directly regarding the signature.**
9. After the contract is signed by the appropriate signatory authority, Procurement Services or designee will forward the fully executed contract to the Department to send to the supplier. When the Department enters in a requisition for such services, the signed contract must be attached.

B. CONTRACTS NOT INVOLVING PURCHASES:

If the contract does not involve the purchase of goods and services by the University, the Contract Approval Sheet is not required to be signed by Procurement Services. In those cases:

1. The Department must complete the Contract Approval Sheet; obtain signatures from the Department Chair, Dean and/or AVP (as appropriate) and Vice President.
2. The Vice President must submit the fully signed Contract Approval Sheet, contract and/or contract exceptions to University Counsel for review.
3. University Counsel will review the contract, make any necessary revisions, and return it to the Vice President and/or the individual within the initiating Department who prepared the Contract Approval Sheet with any changes needed.
4. The individual within the initiating Department is responsible for forwarding any changes to the contract to the supplier and following up with the supplier to confirm acceptance.
5. When the supplier confirms acceptance of all contract changes, University Counsel will approve execution of the contract by signing the Contract Approval Sheet. University Counsel requires ten (10) business days to review a contract.
6. **No contract may be signed unless it has been approved by University Counsel. Only the University's President, Chief Operating Officer, and Senior Vice President ("COO"); or the Provost and Senior Vice President for Academic Affairs, or their respective written designee, are authorized to sign an affiliation agreement, agreement of cooperation, acceptance of grant funds, research agreement or other similar agreements.**
7. **University Counsel shall forward the signed Contract Approval Sheet and final contract to the Department who shall obtain the signature of the President, COO, or Provost.**

Attached: Contract Approval Sheet

Contract Approval Sheet

**Must Be Completed Prior to Submission to the Office of University Counsel
For Review of All Contracts**

Required for all contracts:

1. Individual Initiating Contract: a) _____
 b) Campus Address and Extension: _____
 c) Name of Supplier: _____
 d) Description of Contract: _____

 e) Term of Contract: _____ Start Date: _____ End Date: _____
 f) Total Value of the Contract Over the Full Term: \$ _____

Required for the Procurement of goods and services (not required for contracts for Academic Affairs not involving payment of money):

a) Procurement Methodology: Select the appropriate methodology for the procurement and provide backup documentation required to Procurement Services at the time of review:

X	Method	Quick Description
	1 Quote	Used for purchases under the quoting threshold of \$22,180 (\$0 - \$22,179) for general goods and services or \$7,880 (\$0 - \$7,879) for prevailing wage projects. A minimum of one (1) written quote is required.
	3 Quotes	Three (3) quotes are required when the total cost is between \$22,180 and under the bid threshold of \$110,900 for general goods and services or between \$7,880 and under the bid threshold of \$39,400 for prevailing wage projects.
	Sole Source	Used when only one (1) supplier is capable of providing a good or service. Required for sole sources over \$22,180 for general goods and services or \$7,880 for prevailing wage services. If over \$110,900 for general goods and services or \$39,400 for prevailing wage services, BOT Waiver of Advertising should be selected but the Sole Source form will need to be provided with the request.
	Cooperative Contract	Contracts awarded by other entities that the University can utilize. Refer to the Cooperative Contracts page for additional information and requirements.
	BOT Waiver of Advertising	A Waiver of Advertising over the bid threshold of \$110,900 for general goods and services or \$39,400 for prevailing wage services, issued through Procurement Services or delegated to the Using Department. (This methodology does not require a CAS Form if the Waiver of Advertising is issued through Procurement)
N/A	University Contracts (UNC #)	A publicly Advertised Request for Proposal over the bid threshold of \$110,900 for general goods and services or \$39,400 for prevailing wage services, issued through Procurement Services. (This methodology does not require a CAS Form)

Please note that the initiating department is responsible for obtaining either the signed **Terms and Conditions** or a **request to amend** from the supplier.

b) Did the party to the contract sign Montclair's standard terms and conditions?

Yes _____ No _____

c) Is this for new goods/services _____ or is this a renewal of goods/services _____. If a renewal, advise if a Master Services Agreement exists and include a signed copy with the packet for review.

Signatures must be obtained as indicated on the following page before submitting the contract to University Counsel to review. All individuals signing below acknowledge “I have read, understand and approve the terms and conditions of the contract; b) I believe Montclair can do all that it is required to do in this contract in the time frames specified; c) I have verified that the department involved in administering or implementing this contract can do what is required (See “Contract Management Policy”)

6. Approvals and Authorizations

Contracts that involve the payment or receipt of money by the University:

- A. Individual Initiating Contact _____
Signature _____ Date _____
- B. Vice President for Division or designee _____
Signature _____ Date _____
- C. IT (when applicable)¹ _____
Signature _____ Date _____
- D. Treasurer (leases only) _____
Signature _____ Date _____
- E. Procurement Services _____
Signature _____ Date _____

Academic Programs and Affiliation Agreements

- A. Individual Initiating Contact _____
Signature _____ Date _____
- B. Dean of College/School _____
Signature _____ Date _____
- C. Assoc. Provost for AI² _____
Signature _____ Date _____
- D. Provost or designee _____
Signature _____ Date _____

Grants/Research Agreements/Fee for Service Agreements

- A. Individual Initiating Contact _____
Signature _____ Date _____
- C. Assistant Treasury³ (fee for service) _____
Signature _____ Date _____
- C. Vice Provost for Research⁴ (grant/research) _____
Signature _____ Date _____
- C. Provost or designee (fee for service) _____
Signature _____ Date _____

The Office of University Counsel approves the attached contract for signature by:

Signature _____ Date _____

¹The Contract Approval Sheet authorizing the purchases of software or IT equipment must be signed by the Vice President for Information Technology or his/her designee. Contracts that involve the purchase of software as a service also require submission of a HECVAT to the Chief Information Security Officer and VPAT to the Senior Director, PMO Operations.

² The Associate Provost for International Academic Initiatives must approve contracts with institutions located outside of the United States.

³ Assistant Treasurer approval is required for research or fee-for-service contracts that occur within buildings on campus that are financed by tax-exempt bonds.

⁴ Sponsored grants and research by faculty or University Centers require approval by the Vice Provost for Research or designee to ensure compliance with applicable policies. Additional review by Finance will be required for fee-for-service contracts that occur within buildings on campus that are financed by tax-exempt bonds.