CONTRACT REVIEW PROCEDURE

Policy Id:
Leg.016 - Contract Review Procedure

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John Jay College Contract Review Procedure

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Overview:

This procedure outlines the legal review process for College contracts and contracts entered into by related and non-related entities. As a general rule, contracts must first be reviewed and approved by the Office of Legal Counsel. No contract can be signed unless the document is on a form that has been issued or approved by the CUNY General Counsel’s Office. All College contracts for less than $100,000 must be signed by the College’s President or Senior Vice President for Finance and Administration. This includes contracts with no financial obligations. All College contracts in the amount of $100,000 or more must also be reviewed and signed by CUNY’s General Counsel. (See attached CUNY Memorandum on Contract Signing Authority.)

Contracts for related and non-related entities, such as the Auxiliary Services Corporation, the Children’s Center, the Student Activities Association and the John Jay College Foundation, have specific procedures designating the officer who is the authorized signatory for contracts.

Employee Responsibility for Unauthorized College Contracts:

If any other College employee signs a contract or authorizes an expenditure or obligation without authorization, that employee may be subject to disciplinary charges and may be held personally liable for those commitments. Personal liability may include responsibility for all costs associated with an unauthorized contract, purchase order or any other obligation or expenditure, including attorney’s fees.

Definitions:

a. A “contract” is any agreement between the College and another party that creates obligations and/or liabilities on behalf of the College. An agreement can create obligations and liabilities even if no money is exchanged. Contracts that require review by the Office of Legal Counsel include, but are not limited to, agreements for:

- academic affiliations (domestic and international)
- continuing education programs
- consultants
- data use
- employment
- filming
- health services
- website and software licenses
- any goods or services
- memoranda of understanding
- publishing
- private/public partnerships
- services to be performed by the College
- space rentals
- student and faculty exchanges
- study abroad programs
- faculty-led programs
- equipment leases

b. A “scope of work” is a detailed, written description of the work to be performed and completed, including the project’s goals, objectives, activities, timetables and final deliverables.
The “scope of work” is usually drafted by the faculty/staff responsible for the project and reviewed by the Office of Legal Counsel. The final version is attached to the standard contract.

**Agreements that Require Separate Authorization:**

The College’s Office of Legal Counsel will assist with the review, negotiation and execution of the following contracts, particularly when standard CUNY documents are not used. Final authorization, however, is required by other entities. These contracts include:

<table>
<thead>
<tr>
<th>Contract</th>
<th>Required Review</th>
</tr>
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<tbody>
<tr>
<td>Standard purchase orders, competitive solicitations, requests for proposals and existing CUNY or State-wide contracts</td>
<td>Processed by the College Purchasing Office and reviewed by CUNY General Counsel’s Office (See Attached Procedure for College Purchases)</td>
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<tr>
<td>Student club/government check requests</td>
<td>Reviewed by Student Activities personnel and approved by the Student Activities Association Board</td>
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<tr>
<td>Sponsored programs and grants</td>
<td>Reviewed by the Office of the Associate Provost and Dean of Research and approved by the Research Foundation.</td>
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<tr>
<td>College provides goods or services to third parties</td>
<td>Approved by the College President and subject to approval by the Research Foundation</td>
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<tr>
<td>Construction contracts</td>
<td>Managed by the Senior Vice President for Finance and Administration and reviewed by the CUNY Department of Facilities Planning and Construction Management</td>
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