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Contracting [1]



Contract Review

Contracts and contract language are frequently presented by suppliers. Any contract, supplier-provided terms or other conditions associated with a purchase must be reviewed by the appropriate PSC staff for special provisions, to ensure compliance with university policies, and to mitigate risk as part of the purchasing process at the University. This contract review process is completed as part of the procurement workflow, however depending on the vehicle for the purchase, there may be additional manual steps involved to ensure compliance.

The PSC Purchasing Agents have been delegated authority to enter into contracts on behalf of the University. Department purchasers, fiscal staff and most other university employees do

not have this authority. In fact, there are very few campus employees with the authority to enter into contracts on behalf of the University. If purchase documents are found to have contract language, they should always be submitted to the PSC Purchasing Agent for negotiation of the contract terms as needed during the purchase review process. The Purchasing Agent will also provide required signatures on these contracts following negotiation, ensuring the university is accurately represented and protected.

Contract Signature Authority

The University has a clear policy that only individuals with delegated contracting authority are authorized to sign contracts on behalf of the University. Departments and employees without formal delegation of authority are not permitted to sign any contracts, agreements, or binding documents. Signing a contract without this authority can expose the individual and the University to significant legal and financial risks, and such contracts may be considered invalid.

All contracts must be reviewed and signed by the Procurement Service Center (PSC) or the designated Contracting Officer. Departments are encouraged to submit contracts for review and signature to ensure compliance with university policies and state laws. For specific information on contracting authority, refer to the University's Administrative Policy Statement on Contracting Authority (APS 2005). [2]

Departments should follow the official procurement process and submit all contracts for approval prior to engaging with suppliers to avoid any unauthorized commitments.

Procedure for Contracts Above $10,000

For contracts exceeding $10,000, departments must submit a Purchase Requisition via CU Marketplace and ensure that all documents related to the contract are attached and unsigned. A WORD version of the contact is preferred. The requisition enterer will be prompted to provide the contact details of the individual who will be negotiating the contract on behalf of the supplier, including their name, phone number, and email address.

Procedure for Contracts $10,000 and Under

For procurement contracts of $10,000 or less, departments are required to use the Small Dollar Contract Request Form in CU Marketplace. This form streamlines the process for smaller contracts and ensures proper review and approval. For more information and to access the form, visit the following link: CU Marketplace Small Dollar Contract Request Form [3].

Contract Waivers

The University of Colorado requires supplier contracts to comply with applicable federal and state laws, regulations, and University policies. The Procurement Service Center (PSC) reviews supplier agreements and works with suppliers to negotiate contract terms that do not meet these requirements.

In some cases, suppliers may be unwilling to negotiate certain terms related to liability, governing law, data privacy, or information security. When negotiations are unsuccessful, a contract waiver may be considered on a case-by-case basis, subject to appropriate risk assessments and approvals. Visit our Contract Waivers webpage [4] to learn more about the

process, departmental responsibilities, and important considerations.

Questions Regarding Existing Contracts

For any questions related to existing contracts, including contract amendments, renewals, or issues with terms and conditions, please contact the Procurement Service Center (PSC). The PSC can assist with contract negotiations, troubleshooting, and ensuring compliance with university policies. Do not hesitate to reach out for guidance or support regarding any ongoing contractual obligations.

IT Security Risk and Compliance Review

The Service Center (PSC) is responsible for reviewing negotiating and signing contracts, IT Security Risk and Compliance Reviews are conducted exclusively by each campus's IT security office. These reviews ensure that contracts for IT software, applications, and services include the appropriate IT security and compliance language.

IT suppliers, including application service providers and software suppliers, can present significant data security risks to the University. To mitigate this, the campus IT security office reviews supplier security protocols to ensure proper controls are in place for contracts that involve sensitive information.

The IT Security Risk and Compliance Review process is required for any purchase or renewal involving access to or transmission, processing, or storage of the following types of information:

- Protected health information
- Student records
- Personal identification information
- Payment card information
- Export-controlled data

At the Boulder campus, the review also includes an assessment of compliance with accessibility policies, ensuring that both IT security and accessibility requirements are clearly defined in the contract’s terms and conditions.

Departments should initiate the IT Security Risk and Compliance Review as early as possible in the procurement process to allow time for security reviews and negotiations. The final security assessment must be attached to the purchase requisition in CU Marketplace. When procuring through an existing agreement (enterprise, campus, or other), the security review is generally already complete, so no additional documentation is needed.

For more details on promoting security controls in contracts, visit the Office of Information Security’s IT Purchasing Standards webpage.

To ensure compliance with the security review process at your campus, follow the appropriate guidance:

- CU Boulder: Standard Computer Hardware and Available Software [5]

- UCCS: Computer and Software Purchasing for Faculty and Staff [6]
- CU Anschutz and CU Denver: IT Procurement | Fiscal Compliance [7]
- System Office: Office of Information Security [8]

Resources

- Purchase Order Terms and Conditions [9]
- Small Business Program [10]
- Hire An Independent Contractor (Scope of Work) [11]

Related Articles

- CU Marketplace: Small-Dollar Contract Request Form [3]
- CU Marketplace: Viewing Contract Comments [12]
- CU Marketplace: Purchase Requisition [13]

SEARCH ALL ARTICLES [14]

Policies and Procedures

- Advance Payment to Suppliers [15]
- After-the-Fact Purchases [16]
- Procurement Rules [17]
- APS 2005: Contracting Authority [2]
- Board of Regents Policy 13 [18]

VIEW ALL PROCEDURES [19]

Groups audience:
Procurement Service Center

Source URL:https://www.cu.edu/psc/procurement/contracting

Links
[1] https://www.cu.edu/psc/procurement/contracting [2] https://www.cu.edu/ope/aps/2005
[3] https://pschelp.cu.edu/s/article/CU-Marketplace-Small-Dollar-Contract-Request-Form
[4] https://www.cu.edu/psc/procurement/contracting/contract-waivers [5] https://oit.colorado.edu/software-hardware/standard-computer-hardware-and-software [6] https://oit.uccs.edu/services/personal-computing-and-devices/facstapurchasing [7] https://www.cuanschutz.edu/offices/fiscal-compliance/resources/it-procurement [8] https://www.cu.edu/security [9] https://www.cu.edu/psc/procurement/purchase-order-terms [10] https://www.cu.edu/psc/doing-business-cu/small-business-program
[11] https://www.cu.edu/employee-services/collaborative-hr-services/cu-campuses/hire-independent-contractor-scope-work [12] https://pschelp.cu.edu/s/article/CU-Marketplace-Viewing-Contract-Comments
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[15] https://www.cu.edu/psc/psc-procedural-statement-advance-payment-suppliers
[16] https://www.cu.edu/psc/procedures/after-fact-purchases

[17] https://www.cu.edu/psc/procurement-rules [18] https://www.cu.edu/regents/policy-13
[19] https://www.cu.edu/psc/procedures