

## Fiscal Year 2010 Master Contract List Process Eligibility Requirements

***ALL CONTRACTS, CONTRACT AMENDMENTS, OR REQUESTS FOR PROPOSALS INCLUDED ON THE MASTER CONTRACT LIST MUST MEET THE REQUIREMENTS STATED BELOW.***

### **REQUIREMENTS**

1. All contracts must comply with the Board Policy on contracting, (Section 5.0 of the Board of Supervisors' Policy Manual).
2. Contracts can only be executed if funds are included in the FY 2010 approved budget and subsequent fiscal year budgets, where applicable.
3. Contracts not using a boilerplate pre-approved by County Counsel must be reviewed and approved by County Counsel and County Executive.
4. Contracts included on the final Board-approved list may exceed the amount shown under Projected FY 2010 Amount by 10% or less and, may be executed any time up to June 30, 2010 provided they comply with Board Policy.
5. Grant and Revenue agreements of 1 – 5 year-term limits may be amended to increase the total contract value, as long as matching funds are available to cover expenditures. A report to the Board will not be required to justify the increase in the contract value.
6. Contracts with a known budget and known services, but an unknown provider must be executed and awarded by December 31, 2009. (These agreements may be part of a Request for Proposal process and the provider should be identified as TBD).
7. All contracts and amendments must include a clause that allows for the termination of the contract due to loss of funding.
8. Department must designate a specific location for the retention of all the original copies of the contracts and amendments in the department.
9. The delegation of authority approved by the Board of Supervisors will allow contracts to be amended by the department delegatee if the amendment:
  - a. Does not expand the scope of services or does not substantially change the purpose of the contract.
  - b. Increases the maximum contract amount by 10% or less of the FY 2010 approved contract amount for contracts (the amount approved in the FY 2010 approved budget).
  - c. Reduces the maximum contract amount (Reduction in contract amount may require a corresponding change in units of service).
  - d. Modifies the contract term up to June 30, 2010.
  - e. Increases the total contract value received from grants or revenue agreements.

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### **Contracts Eligible for the Master Contract List**

1. One-year contracts over \$100,000 per budget unit, per fiscal year.
2. Multiple contracts with the same provider where the cumulative total exceeds \$100,000 per budget unit, per fiscal year and the term of the contracts do not exceed one year.
3. Grant agreements of a 1-5 year-term where the application and execution of the agreement requires Board approval (excludes grants that require a specific resolution to be signed by the Board).
4. Revenue agreements of a 1-5 year-term.
5. Contracts under \$100,000 that require Board approval to meet state/federal requirements; or contracts that County Counsel or the County Executive recommends for inclusion on the delegated authority list.
6. Amendments to existing contracts that meet the established criteria.

### **Contracts not Eligible for the Master Contract List**

1. Contracts for services within the delegated authority of the Director of Procurement:
  - a. Contracts in an amount of \$100,000 or less;
  - b. Information technology-related contracts of \$500,000 or less.
2. Contracts that do not conform to standard language or where County Counsel or the County Executive recommends direct submission to the Board of Supervisors.
3. New services—services that have not been provided by the County in past years.
4. Contracts requiring a specific Board resolution or an actual Board signature.
5. Contracts for which the Board has requested more detailed information.
6. Contracts where questions or concerns were raised by the Board or that are considered politically sensitive.
7. Contracts where the provider or bidder has the right to protest by state law (usually these are construction or public works contracts).
8. Multi-jurisdictional contracts with or without an exchange of money.
9. Public works contracts.
10. Real property transactions.