
**Administration Division
Louisiana Board of Regents**

Administrative Policy & Procedure

AP – 1.2

Effective Date: 3/26/04

Updated: 8/20/07

SUBJECT

Grants and Contracts - Evaluation and Approval Procedures for Consulting, Personal, Professional or Social Services Contracts.

PURPOSE

To establish the proper routing and documentation needed for all grants and contracts defined herein, submitted by staff requesting external support.

DEFINITIONS

1. External Support is any form of aid provided by an individual, group, or organization, either private or public, not affiliated with the Board of Regents.
2. Individual Authorized to Sign for the Board of Regents is the Commissioner of Higher Education or the Deputy Commissioner of Administration for the Board of Regents in his/her absence. (No other person is authorized to sign for the Board of Regents unless written permission is granted by one of the persons mentioned above.)
3. Office of Contractual Review's Procedures for Submitting Contracts is a guide available to all staff on the procedures that should be followed when it is necessary to submit a contract to OCR for approval. This guide can be found at www.doa.louisiana.gov/ocr/procedure.htm.
4. Consulting Services means possessing specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services.
5. Personal Services means work rendered by individuals which require use of creative or artistic skills.

6. Professional Services means work rendered by an independent contractor who has a professional knowledge of some department of learning or science used. For contracts with a total amount of \$50,000 or more, the definition of “professional services” shall be limited to lawyers, doctors, dentists, psychologists, certified advanced practice nurses, veterinarians, architects, engineers, land surveyors, landscape architects, accountants, actuaries, claims adjusters, and any other profession that may be added by regulations adopted by the OCR.
 7. Social Services means work rendered by any person, etc., in furtherance of the general welfare of the citizens of Louisiana.
 8. Division means the appropriate division within the Board of Regents.
 9. Administration Division means the division of the Board of Regents responsible for the internal operations of the Board.
 10. Division of Administration means the State of Louisiana Division of Administration under the direction of the Commissioner of Administration.
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GENERAL POLICY

All grants or contracts proposed must be initiated and approved by the division of the Board of Regents that would be involved if the contract was approved. Typically this will require the Head of the Division initiating the grant or contract; the Finance Specialist, the Commissioner of Higher Education or the Deputy Commissioner for Finance and Administration, review and approve the contract before it leaves the Board of Regents’ premises as an executed grant or contract.

AUTHORITY

This document is issued in accordance with the Memorandum written by Wendy C. Simoneaux, dated November 4, 1999, to all contract handlers entitled "Procedure Revisions", and another Memorandum dated July 3, 2002, written by Wendy C. Simoneaux entitled “[Non LEQSF Contracts and Amendments](#)”, as well as guidance and laws from the Division of Administration Office of Contractual Review.

PROCEDURE

A new grant or contract will be prepared, approved, and routed as follows:

1. **Each division prepares the contracts under their authority, and then forwards the contracts to the Administration Division before the contract is sent to the Contractor to determine correct content and availability of funds. The contracts should be in the following standard form:**

Generic Contract (Professional, Consulting, Personal, and Social Services)

(Used for all contracts that are not for legal services, cooperative endeavors, or data processing) The Contract should be accompanied by (a) a properly drawn [BA-22](#), (b) a contract [status form](#), (c) a [calculation sheet](#) detailing the travel expenses and the per diem, and (d) a spreadsheet showing a list of the previously obligated contracts to match the amount on the BA-22. Once approved, these four forms are for internal use only and should remain in the files of the division that initiated the contract. The Division of Administration Office of Finance Support Services requires that the consultant or business fill out a [Form W-9](#) and include a phone number on the form in order to have a vendor number set up on ISIS.

Legal Contracts

The contract should be accompanied by (a) a properly drawn [BA-22](#), (b) a contract [status form](#), (c) a [calculation sheet](#) detailing the travel expenses and the per diem, and (d) a spreadsheet showing a list of the previously obligated contracts to match the amount on the BA-22. Once approved, these four forms are for internal use only and should remain in the files of the division that initiated the contract. The Division of Administration Office of Finance and Support Services requires that the consultant or business fill out a [Form W-9](#) and include a phone number on the form in order to have a vendor number set up on ISIS.

Cooperative Endeavors Contracts

The contract should be accompanied by (a) a properly drawn [BA-22](#), (b) a contract [status form](#), (c) a [calculation sheet](#) detailing the travel expenses and the per diem, and (d) a spreadsheet showing a list of the previously obligated contracts to match the amount on the BA-22. Once approved, these four forms are for internal use only and should remain in the files of the division that initiated the contract. The Division of Administration Office of Finance and Support Services requires that the consultant or business fill out a [Form W-9](#) and include a phone number on the form in order to have a vendor number set up on ISIS.

Data Processing Contracts

(This standard data processing consulting contract format has been approved for use by the Office of Contractual Review and the Procurement Support Team [PST] and can be used for data processing consulting services when not using the State's [Consulting and Support Service Agreement \[CSSA\]](#)). The contract should be accompanied by (a) a properly drawn [BA-22](#), (b) a contract [status form](#), (c) a [calculation sheet](#) detailing the travel expenses and the per diem, and (d) a spreadsheet showing a list of the previously obligated contracts to match the amount on the BA-22. Once approved, these four forms are for internal use only and should remain in the files of the division that initiated the

contract. The Division of Administration Office of Finance and Support Services requires that the consultant or business fill out a [Form W-9](#) and include a phone number on the form in order to have a vendor number set up on ISIS. For every contract for the procurement of data processing consulting services in an amount greater than \$100,000, a procurement support team shall be established by OCR to review the Request for Proposal (RFP) and the contract.

In accordance with HB 1697 of the 1999 Regular Legislative Session, state agencies are provided with a minimum threshold of \$2,000 for the requirement of a contract relative to professional, personal, consulting, and social services procurement. This does not exempt divisions from complying with the other procedures as stated in number 1 above.

In accordance with R.S. 39:1512:

(B) payments may be made to the contractor in advance of services being performed if the following conditions are met:

1. The using agency (in this particular case the Board of Regents) has submitted, in writing, to the Division of Administration, Office of Contractual Review, a certification that an advance is necessary in order to provide the services at the lowest total cost and that there is no other cost effective source of such advance funding. The certification shall include a narrative setting out the facts which necessitate the advance funding.
2. The advance is approved by the director of the office of contractual review.
3. Except as may be otherwise provided by law, the amount of such advance shall be limited to a sum not to exceed twenty percent of the total contract amount, excluding travel advances which shall be governed by applicable regulations.
4. The contractor is a nonprofit corporation.

(C) If local matching funds are available to fund the advance, no state monies shall be advanced through the contract.

(D) If federal funds are used for the advance, federal regulations and statutes shall govern the use and amounts of advance payments made.

(E) Interagency contracts as defined in R.S. 39:1490(C) are exempt from the provisions of Subsections B and C of this Section.

(F) The provisions of this Section shall not be construed to authorize payments in advance of services to be performed pursuant to a professional service contract.

(G) State funds may be expended to fund the advance only in the same fiscal year in which the funds are appropriated.

If the contract is for \$20,000 or more and is with an entity that is not under the authority of the Board of Regents, the initiating division will be responsible for acquiring the required documentation for submission to OCR. The documentation needed can be found on the Division of Administration Office of Contractual Review's website at www.doa.louisiana.gov/ocr. The basic documentation is as follows:

- If the contract is submitted to OCR later than 60 days after the effective begin date, the initiating division must provide written justification for the delay in a [late justification letter](#). If a cooperative endeavor agreement is submitted to OCR less than 45 days prior to its effective begin date, the initiating division must provide written justification for the delay in a [late justification letter](#). In **no** case will a contract or amendment be approved if it is submitted after its termination date.
- The contract must be approved by the Louisiana Department of State Civil Service before it is sent to OCR, unless it is exempted by civil service. A list of exemptions can be found at www.dscs.state.la.us/progasst/contracts/contractsexempt.htm. If the contract does need to be sent to Civil Service for approval, it should be sent to

Rod Zimmerman
Louisiana Department of State Civil Service
Program Assistance Division
Claiborne Building, Suite 3-270
Phone 342-8274 or fax 342-6074

- The contract must be approved by the Legislative Auditor if auditing services are involved.
- The contract must be approved by the Office of Telecommunications if the contract contains any telecommunications services.
- The contract must be accompanied by a signed budget form [BA-22](#).
- The contract must be accompanied by a [certification letter if over \\$5,000](#).
- The contract must be accompanied by a [multi-year letter of justification](#) of contract term if longer than 12 months.
- If the contract is for consulting services, the contractor's resume' should be included with the contract if contractor is a sole-proprietor or individual.
- If the contractor is an out-of-state corporation, and its employees will be in the state for 30 days or more, it must be registered with the Secretary of State and a copy of the Certificate of Authority should be included with the contract. The application can be found at www.sec.state.la.us/comm/cforms/F-326.pdf. If Contractor is out of state and doing less than 30 days work within the state, Contractor is exempt from this requirement but documentation must be provided to Division file and to OCR, if applicable.

- If the contractor is a corporation, profit or non-profit, the contract must be accompanied by a Board resolution from the Board of Directors of the corporation authorizing the signature for the corporation.
- If the contractor is a for-profit corporation whose stock is not publicly traded, proof that a disclosure of ownership form has been properly filed with the Secretary of State's Office should be submitted with the contract. That form can be found at www.sec.state.la.us/comm/cforms\F-320.pdf. If Contractor is out of state and doing less than 30 days work within the state, Contractor is exempt from this requirement but documentation must be provided to Division file and to OCR, if applicable.

In addition to OCR approval, certain contracts must be let by a request for proposal. Contracts for professional or personal services may be awarded without the necessity of competitive bidding. Social Services contracts may be awarded without competitive bidding only if OCR determines from a written statement that any one of the following conditions applies:

- Sole Source
- Appropriation bill contractor
- Local matching funds greater than 10% of contract amount to be contributed by contractor
- Nature of service being provided necessitates a continuity of contractor
- Emergency which will not permit delay in procurement
- Total amount is less than \$150,000 per 12 month period.
- Contract is with another governmental entity
- Using federal funds

Contracts for consulting services which have a maximum amount greater than \$50,000 must be let by a request for proposal. The initiating division will be responsible for following the guidelines for the Request for Proposal process as outlined in the regulations of the Office of Contractual Review, as well as assembling the necessary documentation as follows:

- Selection memorandum from the Commissioner of Higher Education or the Deputy Commissioner for Finance and Administration of the Board of Regents
- Proof of advertisement in accordance with Louisiana Revised Statutes Title 39:1503
 - 30 days for consulting services contracts
 - 14 days for social services contracts
- Verification that most current prequalified offerers list was used to solicit proposers for consulting services or list of social service providers solicited for social services contracts
- Summary of grades
- Grading sheets

- RFP
- Winning Proposal
- Notice of award letter and loser letters
- Contract should contain [entire agreement](#) and [order of precedence](#) clauses

Certain consulting and data processing services RFP's and subsequent contracts require the review of the Procurement Support Team as assembled by OCR.

Contracts for legal services must have the approval of the Attorney General and the Office of Risk Management.

2. The Administration Division will approve the contract for available funds and contract content. The Administration Division will record the contract number, amount, dates, contractor name, and principle investigator's name (if applicable) in the database for contracts and assign the contract a payment ID number.

3. After the Administration Division has approved the contract, it will be sent back to the initiating division and that division will be responsible for mailing the contract and form W-9 to the contractor for the appropriate signatures.

4. Once the contract returns and it has been signed by the contractor, the initiating division has the responsibility to obtain the signature of the Commissioner of Higher Education or the Deputy Commissioner for Finance and Administration of the Board of Regents, and to send a fully executed copy of the contract to the contractor and a copy to Marylew Sfoundoris, Payment Technician, at the Division of Administration Office of Finance and Support Services if the contract does not have to be sent to OCR for approval.

5. Contracts that require OCR approval need to be submitted to OCR with the following items or preapprovals:

- [Transmittal Letter](#)
- Original and two copies
- Late justification letter if contract is submitted to OCR 60 days after start of contract OR less than 45 days prior to the start of a cooperative endeavor agreement
- Be approved by civil service unless exempt
- Be approved by the Legislative Auditor if auditing services are involved
- Be approved by OTM if the contract contains any telecommunication services
- Be accompanied by a signed BA-22
- Be accompanied by a certification letter
- Be accompanied by a multi-year contract justification letter if the contract is for longer than 12 months

- Be accompanied by the contractors' resume' if for consulting services if Contractor is a sole proprietor or an individual
- Be accompanied by a Certificate of Authority from the Secretary of State if the contractor is an out-of state corporation and doing 30 days or more work in La.
- Be accompanied by a Board resolution form the Board of Directors of the corporation authorizing the signature for the corporation if the contractor is a profit or non-profit corporation
- Be accompanied by a disclosure of ownership form that has been properly filed with the Secretary of State's Office if the contractor is a for-profit corporation whose stock is not publicly traded. Out of State corporations doing less than 30 days work within the state are exempt.

Once approval is received from OCR, a copy of the fully executed contract should be sent to the contractor and a copy should be sent to Marylew Sfondouris, Payment Technician, at the Div. of Administration Office of Finance and Support Services.