

## **OSC/CCU GUIDELINE**

**DATE OF NOTICE:** 8/3/10

**TOPIC:** USE OF OSC MODEL CONTRACTS AND MODIFICATION TOOLS

### **BACKGROUND**

On April 2, 2009 the OSC replaced all old Model Contracts and Modification Tools with updated versions, which, among other things, contained provisions drafted in conjunction with the OAG, that provide the State with updated practical and legal protections. These were posted on the OSC website and an email of the same date was sent out asking all Agencies and IHEs to begin using the new Models and Tools for all transactions not already in progress.

Most Agencies and IHEs are now using the new Model Contracts and Tools; however, the OSC continues to receive numerous non-Model contracts and modification forms containing a wide variety of provisions and arranged in a wide variety of manners.

In addition, the OSC frequently receives Model Contracts and Tools containing changes, many of which are acceptable, but which are not accompanied by a Track Changes version or an email or memo specifying such changes.

Use of non-Model Contracts and Tools and changed contracts not accompanied by some method of highlighting the changes causes significant delays in contract review and approval. Use of non-Model Contracts and Tools means that protections for the State deemed important by the OSC and OAG are missing.

### **REQUIREMENTS**

As of the date of this Guideline, the OSC is requiring use of the OSC Model Contracts and Modification Tools for all contracts not already in process. Variances will require a Fiscal Rule Waiver request. While the OSC prefers its format for ease of review, other formats are acceptable if the provisions are identical and in the same order.

As of the date of this email, the OSC also requires that any changes to provisions in the OSC Model Contracts and Modifications (not including those that are fill-in-the blank or optional) contained in contracts sent to the OSC for review and approval be highlighted in a Track Change version or specified in an accompanying document.