

STATE CONTROLLER POLICY

ROUTING OF CONTRACTS

Agencies and Institutions of Higher Education (IHEs) shall submit contracts for State Controller (OSC) approval in the following manner.

1) What to Include with the Contract. Contract packets routed to the OSC, State Purchasing and Contracts, Central Contracts Unit (CCU) for approval shall contain the items listed in sections 1)a through 1)i below. The contract action to be signed (e.g., contract or modification, which hereinafter are both referred to as a contract) must be in paper form containing ink signatures. All other items may be presented in paper or digital form. When in digital form, it may be delivered (1) on a flash drive, (2) as an attachment to CMS, or (3) per email to a CCU approver who agrees beforehand to accept email delivery of the contract package documentation (in order to ensure that the approver will be available to receive the documents).

a. The Contract to be signed.

- i. Complete copies (number of copies as stated in section 1)a.ii below) of the contract action, including:
 1. The main body of the contract to be approved.
 2. All exhibits, attachments, schedules, tables, and other parts that the main body of the contract references. The main body of the contract shall be printed, but if exhibits are oversized or the number of pages makes printing the exhibits too cumbersome, the exhibits may be included in the contract packet in digital form, so long as either of the following are true:
 - a. The original document that the contractor signed contained all of the exhibits, attachments, schedules, tables, and other parts of the document in hard copy form; the agency still has those hard copy documents in the official contract file and they were only omitted from the contract packet to reduce the amount of paper sent to the CCU; and a digital copy of the complete contract, including all of those exhibits, attachments, schedules, tables, and other parts of the document, is saved either on CMS or on a flash drive delivered to the CCU.
 - b. The original document that the contractor signed contained a specific reference to any exhibits, attachments, schedules, tables, and other parts of the document that were not included in hard copy in either the contract packet or the document signed by the contractor; a digital copy of the complete contract, including all of those exhibits, attachments, schedules, tables, and other parts of the document, is saved either on CMS or on a flash drive delivered to the CCU; and the CCU provided prior approval for the Agency or IHE to reference digital documents and the contract properly references those documents. The Agency or IHE shall notify the CCU approver when the contract is only partially printed in these instances.

The intent of this section 1)a.i.2 is to allow for administrative efficiency while still ensuring that the contracts signed by all parties are the same. The CCU may require additional information or a hard copy of any documents to be included with the contract to ensure that all parties signed the same contract.

- ii. Include **at least 2** contract copies bearing original signatures, one for the agency, one for the contractor. Include additional originals for each additional contractor (if any) who is a party to the contract. Include additional originals for each additional signatory that requests an original copy (such as the Office of the State Architect or the OAG).
- iii. If the contract is a modification, also include the following:

STATE CONTROLLER POLICY

1. A copy of the original contract.
 2. Copies of all executed prior amendments, option letters and other modifications.
 3. If a task order contract, copies of all prior executed task orders.
 4. If there are more than 3 prior modifications, a spreadsheet with a short summary of each prior modification, including dates and extensions, the amount of each modification and the cumulative total amount of all modifications.
- iv. **Approvals.** The signature page of the contract shall contain original signatures of all contract parties and required approvers. Unless the Agency or IHE has received the prior written approval from the CCU, all contracts shall bear the original signature of the contractor and of the agency or IHE authorized executive. Those contracts that also require central approver signatures (e.g., Risk Management for real estate contracts, AG for IHE contracts) shall bear those required signatures. Unless the Agency or IHE has received the prior written approval from the CCU, the State Controller or a proper delegate is always the final approver.
- b. CMS.**
- i. The CMS number on the face of the document, if CMS is required by statute for the contract action. If any other required documentation will be provided on the CMS entry, the specific information contained on that entry should be noted along with the CMS number on a document included with the file.
- c. Fair and Reasonable Documentation.** Any documentation supporting a "fair and reasonable" determination. Examples include: an appraisal for purchase of an interest in real property; or a reference to a competitive solicitation for the work.
- d. SOS Registration.** A copy of the Colorado Secretary of State web page information showing that the contractor is in good standing. If the contractor is an entity that is not required to be registered with the Secretary of State (e.g., individuals, governmental entities, or general partnerships), include documentation or explanation concerning that fact.
- e. Central Approver Documents.** Evidence of approval by any other required central approver, such as:
- i. OIT approvals for IT contracts (e.g., Gate 1 approvals),
 - ii. DHR personal services review or certification form for personal services contracts that are not IGAs or IAs,
 - iii. The SPO Director's approval if the contract term extends beyond five years (not applicable to IGAs or IAs),
 - iv. The SPO Director or delegate's Sole Source waiver if the contract is sole source (not applicable to IGAs or IAs), and
 - v. Any other approvals from central approvers as required.
- f. Encumbrance.** A reference to the encumbrance number (either on the face of the document, on CMS or included digitally) or screen shot of the encumbrance ready for level 10 approval in CORE. If there is no encumbrance, then include documentation of why there is no encumbrance or a copy of the granted fiscal rule waiver allowing a contract without an encumbrance.
- g. Risk Analysis.** A copy of any risk analysis performed in accordance with fiscal rule requirements.
- h. Other Relevant Documentation.** All pertinent documentation such as explanations (emails, letters, etc) regarding contract issues, unusual contract situations, extenuating circumstances, statutory violations, and late contracts.

STATE CONTROLLER POLICY

- i. **Template Deviations.** A list or a contract copy with markings showing any deviations from template language. If the deviations are the result of pre-review comments or contract negotiations that a CCU approver approved, please state so, as the pre-reviewing approver and the signing approver may be different CCU team members.

2) *Where to Route the Contract Package.*

- a. **Order of Routing.** Agencies and IHEs shall obtain all other necessary approvals and contract signatures before routing the contract package to the State Controller for approval, unless the CCU or OSC instructs otherwise. The OSC is always the final approver. See Fiscal Rule 3-1 §7 for more information on pre-approval requirements.
- b. **OSC Internal Routing.** Route all contracts, including those with statutory violation waiver requests, to the CCU and not directly to the State Controller or the Deputy State Controller. Do not route contracts directly to the Office of the Attorney General (OAG) unless the OSC so directs, as the OSC has ultimate discretion regarding the necessity of OAG review and approval (see Policy entitled "*Review and Approval - Office of Attorney General*").

- ## 3) *How the Contract Package Returns to The Agency or IHE.*
- The OSC will hold approved contracts for pick up by the Agency or IHE. If the Agency or IHE wishes to receive the approved contract back by interagency mail, USPS mail or through any other mailing or courier service, the Agency or IHE shall include a pre-addressed interagency mailing label or pre-addressed and prepaid label as required by the chosen mail delivery service (e.g., FedEx or UPS label or sufficiently stamped envelope). The CCU does not pay for mailing expenses.

- ## 4) *How to Request Emergency (Rush) Processing.*
- The CCU accommodates requests for same-day, next-day, or impending deadline (e.g., fiscal year end) review and processing. Packages requiring expedited handling shall bear a conspicuous mark or stamp "RUSH." The RUSH-requesting Agency or IHE is responsible for making sure the request is received and a CCU approver is handling it, and so the Agency or IHE shall call or email beforehand to arrange for the details of the RUSH process with the appropriate approver.



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