

Part I Chapter 05 Contracting Process

A. General.

- 1.** Procurement requires a specialized knowledge of laws, regulations, program needs, policies, and specific procedures. For this reason, contract documents are subject to review by numerous individuals both within and outside the purchasing agency. When review responsibilities are not clearly defined, the result is duplication of effort wherein each reviewer examines the entire document in detail or, conversely, each reviewer depends on "someone else" to catch mistakes or recognize potential problems and no one actually reviews the document. Much time and effort is also spent on tracking lost or mislaid contracts when procedures are not clearly defined and documents controlled.
- 2.** The length of time required to obtain contractual services can be reduced, if the agency:
 - a.** Limits reviews to those which are absolutely essential.
 - b.** Defines precisely what each review will cover.
 - c.** Establishes and enforces reasonable standards of time for each review.
 - d.** Publishes detailed procedures for processing contract documents.
- 3.** Legal and accounting personnel perform two of the primary contract reviews. These individuals have expertise in contracting and are inserted into the process to protect Commonwealth interests and to ensure funds are spent properly and contracting policies and procedures are followed.

B. Legal. Commonwealth attorneys review contract documents for form and legality. The role of the agency counsel in the total contracting process is a matter for determination among the purchasing agency, its counsel, and the OGC. However, every contract except contracts for emergency services must be reviewed by the purchasing agency's counsel. Contracts also require approval by the OAG unless the contract form has been pre-approved by OAG. Since these review requirements vary among agencies, the agency should request clarification and guidance from its legal counsel.

C. Comptroller. Except for contracts awarded pursuant to the small procurements method of procurement, the purchasing agency or using agency comptroller shall review and approve all contracts for services for:

- 1.** Fiscal responsibility and budgetary appropriateness.
- 2.** Availability of funds.
 - a.** Where the service contract is for an independent agency for which the Office of the Budget does not act as Comptroller, the Fiscal Office or Comptroller of that independent agency shall review and approve the contract.

- b.** A comptroller may, at his or her option, serve as a nonvoting member of an evaluation committee for requests for proposals or a similar contract bidding or selection committee for the acquisition of services.

D. General Procedures. The procedure for obtaining contractual services consists of a series of sequential actions which begins with the determination that the using agency needs contractual services and culminates with the award and performance of a contract to meet that need. Normally, the process consists of actions shown in the procedures in other parts of this manual. Most delays encountered in the process are caused by incomplete or vague specifications and work statements, mathematical errors, or missing attachments.