



**Title: Contract Execution Prior to Recommendation
To Award and Post Award Compliance Issues**

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- I. Purpose To provide guidance in the pre-award process of securing contract execution by the potential awardee prior to recommendation for award; and contractor post-award compliance issues.

- II. Scope These guidelines apply to all contracts in which the contract documents have to be executed by the contractor prior to recommendation for award and contractor post-award compliance issues.

- III. Responsibility
 - A. Contract Execution by potential Awardee Prior to Recommendation
 1. The Purchasing Agent is responsible to assure properly executed contract documents from the potential Awardee prior to recommendation for award unless there are extraordinary circumstances which need to be discussed with the Purchasing Manager and any special provisions shall be determined by the Purchasing Manager at that time. If there are no special considerations/provisions then proceed as follows.

 2. The Purchasing Agent proceeds with securing Contract execution from the potential Awardee prior to preparing the award recommendation when:
 - a. In Bids, the Purchasing Agent tabulates and evaluates the bids to determine the lowest most responsive and responsible bidder, documents that on the **Recommendation to Award Determination Form 0F125** and the client Department has signed off their concurrence.
 - b. In Proposals, the Proposal Review Committee completes the proposal review process and makes a determination for recommendation for award which is documented on committee meeting tapes and written minutes in the contract case file.

Ideally the committee should finalize the negotiations of the contract and get authorized signatory execution of the contract or approval of the contract with written promise to execute the contract. The scope of work, deliverables, fee and schedule may be added as Exhibits after execution.

 - 3. Purchasing Agent prepares and sends an **Intent to Award** (5c) letter with two (2) copies of the contract for the potential Awardee to properly execute and return to the Office of Purchasing Agent within the prescribed 10 day period. When the properly executed contracts are returned to the Purchasing Agent the recommendation for award is prepared and placed on the next BCC Agenda.



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4. If the potential Awardee does not return the properly executed contracts within the 10 days as prescribed in the above mentioned letter then the Purchasing Agent shall confer with the Purchasing Manager and:
 - a. Determine if an additional letter should be sent to the contractor and allow "x" days, as determined by the circumstances, to return the executed contracts: or,
 - b. Determine that the circumstances does not warrant an additional letter:
 - 1.) In Bids, deem them non-responsive, document the case file and proceed with the process of offering to the next most responsive and responsible offeror.
 - 2.) In Proposals, deem them non-responsive; call a Proposal Review Committee meeting and have the committee acknowledge the non-responsiveness of the contractor then make a new determination for recommendation for award which is documented on committee meeting tapes and written minutes in the contract case file.
- B. Contractor Post-Award Compliance Issues
1. The Purchasing Agent is responsible for issuing a **Certification of Award Letter** on newly awarded contracts to obtain necessary post-award compliance items such as bonds and insurance. If a special case exists as outlined in A.1. above and it is determined that the contract will be executed as part of the Post-Award Compliance, then send two (2) copies of the contract with form letter #6 and provide information for contract execution in the letter.
 - 2a. The Purchasing Agent prepares and sends a **Certification of Award Letter** with instructions of 10 days to become compliant.
 - b. If the contractor is not compliant within the prescribed 10 days send a "second " **Certification of Award Letter** outlining their delinquency/failure to become compliant within the normal expected time. Allow 10 additional days.
 - c. If the contractor is not compliant after the "second" letter (total 20 days) then mail "Cure Notice" (Certified Receipt Requested) outlining their delinquency/failure to become compliant and telling them they have 10 days to become compliant or cancellation proceedings will follow.
 - d. If Contractor fails to "Cure" then proceed with appropriate recommendation and background sent through the County Administrator to the BCC to rescind the award.



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- e. NOTE: Only in cases where there are "special" circumstances in which the Contractor shows good faith effort, but conditions exist beyond the contractors reasonable control the Purchasing Agent in consultation with the Purchasing Manager may allow additional time to the contractor on a case by case basis.