

CONTRACTS POLICY

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A. PURPOSE

The purpose of this policy is to communicate the expectations of the College for Contract management, including the responsibilities associated with the establishment of legally binding contractual relationships.

B. SCOPE

This policy applies to all contractual relationships entered into by the College, including but not limited to Contracts or agreements of employment, educational partnerships, Memoranda of Understanding, student placement/practicum agreements, service agreements, revenue Contracts, license agreements, non-disclosure agreements, facility rental agreements, property and equipment lease agreements, purchase orders, waivers, intellectual property agreements and research agreements.

C. DEFINITIONS

Approving Authority: The Responsible Administrator within the Division who has the authority, per the *Spending and Commitment Authority Levels – Guidelines* or *Self-Funded Activities SOP*, to enter into, and sign, a Contract on behalf of the College.

Contract: Written or verbal business arrangement between two or more parties that creates a legally binding obligation on the College.

Contract Owner: Douglas College employee responsible for ensuring the terms and conditions of

the Contract are being implemented as agreed by the parties to the Contract.

Indemnity: A risk transfer mechanism between parties in a Contract that identifies who will pay for certain types or causes of loss.

Responsible Administrator: An executive of the College, or an administrator responsible for the operations of a College Department, Faculty or service area (e.g., Dean, Director, Chief Information Officer, Registrar).

Risk Management Branch: The provincial government department in the Ministry of Finance that is responsible for the effective management of risk to which the government is exposed by virtue of its assets, programs and operations, including the assets, programs and operations of government entities.

D. POLICY STATEMENTS

1. All Contracts will comply with applicable provincial and federal legislation, interprovincial trade agreements, municipal bylaws and College policies.
2. The College will manage Contracts in a manner that is consistent with best business practices and minimizes the risks associated with contractual arrangements.
3. When entering into a Contract, and in order to limit risk exposure to the College, employees will abide by all College policies, guidelines and procedures relevant to a given transaction, including but not limited to procurement policies; employment standards; collective agreements; educational policies; intellectual property requirements; and indemnifications and insurance.
4. “Douglas College” is a legal entity; the College’s name is the only name to be used as the College’s contracting entity. Individual employees, departments, Faculties, centres and similar bodies, unless separately incorporated under federal or provincial legislation, do not have legal rights to contract on behalf of Douglas College in their own name.
5. Every Contract will have a designated Contract Owner who will ensure proper performance of the Contract and management of all related obligations of the College under the Contract.
6. Where the Contract is prepared by the College, employees may only use a College-approved Contract template to enter into a contractual arrangement on behalf of the College.
7. The College is required to obtain written approval of all Contract Indemnity clauses (granted by the Risk Management Branch of the Ministry of Finance) in accordance with the terms of the provincial [Financial Administration Act](#).

8. Services or other activities contemplated within the scope of a Contract may not commence until a Contract has been signed by all parties to the Contract and the stated Contract term has commenced.
9. Amendments, changes, extensions to or renewals of Contracts shall be processed in the same manner as if a new Contract.
10. Contracts must explicitly identify an Approving Authority, i.e., the Responsible Administrator in accordance with the College's *Spending and Commitment Authority Levels – Guidelines* or other relevant College policy or guideline.
11. Contract Owners must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products (see Douglas College *Conflict of Interest Policy*).

E. PROCEDURES

Preparation of non-employment Contracts will be addressed through the Safety, Security and Risk Management Department and its associated SOP. Employment Contracts will be addressed through the Human Resources Department and its associated SOPs.

[Standard Operating Procedures](#) (for internal users only)

- *Employment Contracts*
- *Non-employment Contracts*
- *Procurement of Goods and Services*
- *Self-funded Activities*
- *Temporary Employment Contracts*

F. FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Administration Policies](#)

- *Conflict of Interest Policy*
- *Procurement Policy*
- *Records and Information Management Policy*
- *Self-funded Activities Policy*

[Education Policies](#)

- *College/School District Relationship Policy*
- *Educational Affiliations Policy*

Finance Department Guidelines (for internal users only)

- [Douglas College Spending and Commitment Authority Levels – Guidelines](#)

G. RELATED ACTS AND REGULATIONS

- [Agreement on Internal Trade](#) (AIT)
- [British Columbia Bid](#) (BC Bid)
- [Canadian Construction Documents Committee](#) (CCDC)
- [College and Institute Act \[RSBC 1996\], c. 52](#)
- [Financial Administration Act \[RSBC 1996\], c. 138](#)
- [Freedom of Information and Protection of Privacy Act \[RSBC 1996\], c. 165](#)
- [New West Partnership Trade Agreement](#) (NWPTA)

H. RELATED COLLECTIVE AGREEMENTS

[Collective Agreement](#) between Douglas College and British Columbia Government and Service Employees' Union (BCGEU)

[Collective Agreement](#) between Douglas College and Douglas College Faculty Association (DCFA)