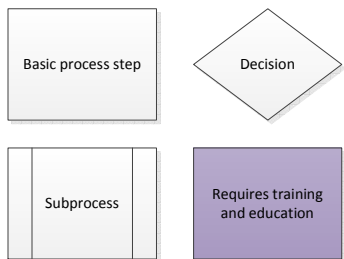
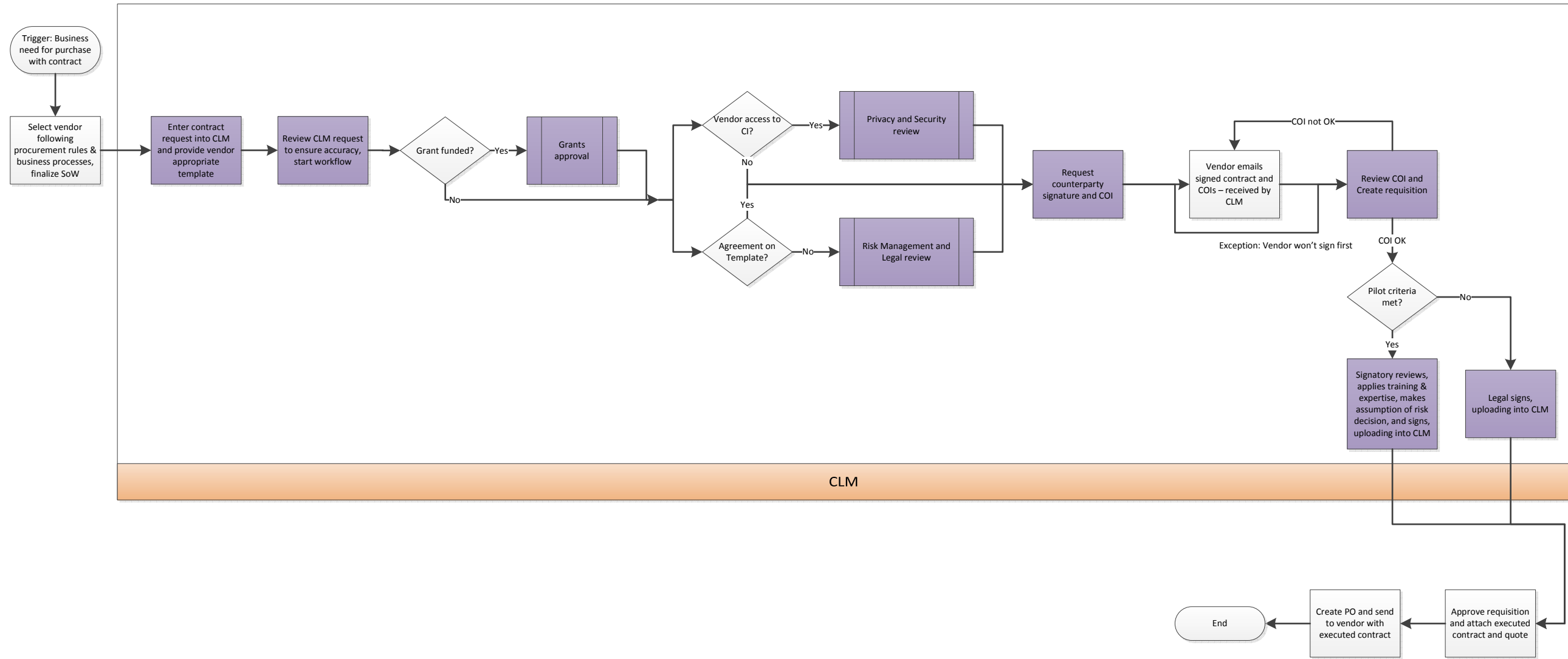


Sample contract workflow for purchases



Pre-approved MCCCDC Templates

Effective: October 2018

- Art Loan Agreement
- Artist Contract
- Authorization to Release Education Record
- Business Associate Agreement
- Clinical Experience Agreement
- Confidentiality Non-Disclosure Agreement
- Contract for Professional Services
 - Amendment to Contract for Professional Services
- Copyright Licenses
- Educational Services Agreements (ESAs)
- Experiential Education Partnership Agreement
- Facility Use Agreement
 - MCCCDC Facility Use Agreement - Use of MCCCDC Facility
 - Agreement for MCCCDC Use of Outside Party Facility
- Federal Work Study Program Form
- Information Technology Statement of Work
- Privacy & Security Questionnaire for Screening (PSQS) Form
- License Agreements
 - Curriculum Development Agreement
 - License to Use MCCCDC Images
 - License to Use Marks - Non-Commercial
 - License of MCCCDC Works for Third-Party Use
 - Copyright License - Materials
 - Copyright License - Music & Sound
 - License of Third-Party Works for MCCCDC Use
 - License to Use Work
 - License to Use Student Work
- Non-Disclosure Agreement
- Official Function Forms
- Permission & Release Forms
- Property Loan Forms
- Sponsorship Form
- Talent Release Form

NOTE:

Always download most recent templates from:

<https://maricopa.sharepoint.com/sites/DO/legal/BLC/Pages/default.aspx>

Check template revision on bottom-left corner of template to ensure use of most recent template

Security and Privacy Review Screening

Effective January 24th, 2017

1. Will the product, service or solution of an outside party (non-MCCCD) involve the processing, review, maintenance, retention, or use of MCCCD Confidential Information by that or any other outside party?

If yes, answer questions 2 and 3:

2. Will the product, service, or solution involve **hosting** by an outside party (i.e. off-site storage or cloud-based hosting by one or more non-MCCCD parties) of MCCCD Confidential Information?

3. Will any outside party have **access** to servers, systems, networks or have access to other manners of storing or displaying MCCCD Confidential Information (i.e. paper files and documentation, electronic spreadsheets etc.)?

4. Describe the purpose/function of the contract. What business need is being met by this product or service? Provide as much detail as possible. Do not cut and paste language from the contract.

5. Specify any data elements that will be shared with or accessed by any outside party for this contract (i.e. social security numbers, credit card numbers, student names or records, addresses, etc.)

Confidential information is any non-publicly available data or information in all forms collected, stored, or maintained that encompasses information that is personal to or uniquely identifies students, employees, agents, or other MCCCD constituents, including but not limited to information that is protected by law or regulation.

Confidential information includes, but is not limited to, social security numbers, student records, student financial records (regarding students, their parents or sponsors), financial, credit, payment card and personal information regarding MCCCD employees and students, protected health information, and other personally identifiable information.

Applicable laws related to confidential information include Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), Gramm–Leach–Bliley Act (GLBA aka Financial Services Modernization Act of 1999), Payment Card Industry Data Security Standard (PCI DSS), and applicable state laws.

Please contact the Office of General Counsel with any questions at contracts.counsel@domail.maricopa.edu

Link to PSQS Form: <https://maricopa.sharepoint.com/sites/DO/legal/BLC/Pages/default.aspx>:

-Information Technology (IT) and Security Section

-Privacy and Security Questionnaire for Screening (PSQS) - Links to Form

MCCCD-Approved Templates for Standard Service and Other Agreements

Legal has created and posted several templates for use to enter into standard service and other agreements. They are posted on the Legal page in the Employee Portal (found under the District Support tab). **Unchanged** templates can be processed much more quickly than vendor-supplied agreements and Legal strongly encourages their use. Please note, **if a vendor agrees to use a template but then marks it up, it is no longer considered a template and will require legal review and signature.**

Agreements that meet the requirements for Board approval will not be signed by Legal without Board approval.

Office of General Counsel (Legal Services) in the Employee Portal is located at:

<https://maricopa.sharepoint.com/sites/DO/legal/Pages/default.aspx>

MCCCD-Approved Templates are located at:

<https://maricopa.sharepoint.com/sites/DO/legal/BLC/Pages/default.aspx>

Templates and Recommended Use

CONTRACT TYPE	RECOMMENDED USE	CLM ENTRY
Template Instructions	Instructions on how to complete any of the MCCCD-approved templates. Start here, it will make completing the templates a bit easier.	NO
Addendum—Government Entity	This addendum is to be used in conjunction with another contract that is not an MCCCD-approved template. It is designed to incorporate specific clauses required by law regarding MCCCD being a Political Subdivision of the State of Arizona, Confidentiality, Non-Discrimination, FERPA (if applicable), and disclosure of protected information. <i>Usually added by Legal.</i>	YES
Amendment—General	This is a general amendment that can be used along with any template (or vendor agreement if they ask MCCCD to provide the language) to change or extend term dates, services, and costs of the original agreement as long as the original agreement has not expired. Do not use with any of the following templates as they have their own. <ul style="list-style-type: none"> • Contract for Professional Services (CPS) • Educational Services Agreement (ESA) • Information Technology Statement of Work (ITSOW) 	YES
Clinical Agreements	These are facilitated through the District Health Care Office and are used to establish clinical experiences for MCCCD students in specific programs of study. <ol style="list-style-type: none"> 1. Clinical Experience Agreement (CEA) – Allied Health 2. CEA Mortuary Science 3. CEA EMT/Paramedic Preceptorship 4. CEA VetTech Internship Placement 	YES <i>District Health Care usually negotiates, enters, and signs</i>
Educational Service Agreements	These establish educational services between MCCCD and an outside entity. There are two versions and an addendum: <ol style="list-style-type: none"> 1. Credit 2. Non-credit 3. Addendum to change an existing, unexpired ESA. 	YES
Experiential Education Partnership Agreements (EEPA)	<i>These are considered District-wide agreements and CANNOT be signed by the college.</i> Use EEPAs to establish partnerships with external entities for service learning experiences, internships, externships, and the like. There are three versions: <ol style="list-style-type: none"> 1. Standard—for use with non-public entities (see no. 2) 2. Public Entity—for use with entities who receive local, state, or federal funding 3. Student Employee—for opportunities where students will be paid 	YES <i>Select District-wide as College location</i>
Facility Use	For use of MCCCD-owned properties or when MCCCD wants to use another party's property. The FUA is password protected at the colleges' request to ensure only people	MAYBE

CONTRACT TYPE	RECOMMENDED USE	CLM ENTRY
	<p>responsible for facilities on campus could use. Some amendments have been negotiated with NAU and there is a separate version for MCC Performing Arts Center.</p> <ol style="list-style-type: none"> 1. Facility Use Agreement - Use to rent MCCCCD facilities for short-term use only (see License and Leases for longer term agreements). 2. NAU Additional Terms 3. MCC Performing Arts Center Facility Use Agreement – specific to a PAC. 4. MCCCCD Use of Outside Party Facility – Use if vendor does not have its own. 	<p><i>Some colleges are using CLM to hold their FUAs</i></p>
<p>Federal Work Study Program</p>	<p>While a student is enrolled in classes, this is used to coordinate student placement in an organization that participates in the Federal Work Study Program. This is not a permanent employment situation.</p>	<p>NO</p>
<p>Information Technology (IT) and Security</p>	<p>The addenda are used either in conjunction with another contract (MCCCCD or vendor) or on their own. The rest are stand-alone agreements.</p> <ol style="list-style-type: none"> 1. Data Confidentiality Addendum – Used when the contract does not specify how it defines and protects confidential information. <i>Usually added by Legal.</i> 2. Data Security Addendum – Used when the contract does not specify how it protects and stores MCCCCD’s data shared internally and with others. <i>Usually added by Legal.</i> 3. Information Technology Statement of Work (ITSOW) – Used to establish a partnership for consulting services or support services for IT-related needs. May require Board approval if value of contract meets the threshold stipulated by Board policy. 4. Non-Disclosure Agreement – Standard language saying MCCCCD will keep information shared between MCCCCD and the contracting entity confidential to the best of its ability and within the parameters of law. 5. Privacy & Security Questionnaire for Screening (PSQS) – Required with ALL contracts, MCCCCD or vendor, for auditing purposes and to begin the privacy and security review of the agreement. Do not leave any questions blank, answer with either N/A or None. 	<p>YES</p>
<p>Insurance</p>	<p>These are usually added to another agreement if Insurance is required but not stipulated.</p> <ol style="list-style-type: none"> 1. Confidentiality Agreement (Pertaining to Insurance Matters) – Similar to the NDA noted above, but specific to sharing information with an insurance agency. 2. Indemnification and Insurance Agreement – Adds these clauses to an existing agreement or it may be used alone if Risk Management determines that is all that is needed, in addition to a quote for services or products. Always ask Risk Management what documentation is required when the Risk Assessment directs you to. 	<p>YES</p>
<p>KJZZ Cross License with Member Station</p>	<p>Specific to our internal radio station to license with other stations.</p>	<p>YES</p>
<p>Licenses and Leases</p>	<p>Specific agreements with the Center for Entrepreneurial Innovation at GWCC.</p> <ol style="list-style-type: none"> 1. CEI Affiliate Client Agreement – Client works with CEI as an affiliated partner. 2. CEI Lease Agreement – Client leases space inside the CEI building. <p>Used to contract with a faculty member to develop new or revise existing curriculum.</p> <ol style="list-style-type: none"> 1. Curriculum Development Agreement <p>Use these to allow an outside agency to use MCCCCD images or marks.</p> <ol style="list-style-type: none"> 2. License to Use MCCCCD Images (buildings and grounds, not people) 3. License to Use MCCCCD Marks - Non-Commercial (logos for non-commercial use) <p>License of MCCCCD Works for Third-Party Use</p> <ol style="list-style-type: none"> 1. Copyright License – Materials (for a third-party to use MCCCCD-developed materials) 2. Copyright License – Music & Sound (for a third-party to use MCCCCD-developed music and sound) <p>License of Third-Party Works for MCCCCD Use</p> <ol style="list-style-type: none"> 1. License to Use Work (for MCCCCD to use a third-party’s work) 2. License to Use Student Work (for MCCCCD to use a student’s work) 	<p>YES</p>

CONTRACT TYPE	RECOMMENDED USE	CLM ENTRY
	<p>Leases</p> <ol style="list-style-type: none"> 1. Lease Term Sheet – description of the terms found on MCCC'D's standard lease 2. Real Estate Transaction Form – Use this to provide the Chancellor the information needed to purchase real property. 3. University License – Private – Use to allow a Private educational institution to lease MCCC'D property. Requires Board approval. 4. University License – State – Use to allow a state university to lease MCCC'D space. Requires Board approval. 5. <i>Lease of MCCC'D Property</i> – Use to allow a third-party to lease MCCC'D property. Requires Board Approval. Not currently posted, but available for use from Legal. 	
Maricopa Learns Through Service (MLTS)	<p>This program is available for full-time Governing Board approved employees and specially funded employees. See the Creative Pathways website for program information and additional forms.</p> <ol style="list-style-type: none"> 1. Community Partner Agreement Form – Use to establish volunteer opportunities in a local community. 	NO
Memorandum of Agreement (MOA) Rio Salado College Bridge Pathways Program	A Rio-specific template to partner with school districts to create a College Bridge Pathways Program.	YES
Memorandum of Understanding (MOU) International	<p>MCCC'D does not have a template for a standard MOU. Legal will help you draft one if needed because the needs of the MOU will vary.</p> <p>This MOU is specific to partnering with an international educational institution. This should be coordinated with the College President's office.</p>	YES
Official Function Form / Membership Payment Worksheet	<p>The following documents are available on the Office of Public Stewardship website. Both versions of the form can be completed electronically. These are forms required by MCCC'D's Administrative Regulations.</p> <ul style="list-style-type: none"> • Official Function Form – Use to get authorization to spend funds on Official Functions Account Code (53550). • FM-8 Membership Payment Worksheet – Use to get authorization to pay for an employee's membership into a group that does not necessarily state in its title that it is job-related. 	NO
Outside Sponsorships	<p>There are specific guidelines to establish outside sponsorships which help inform how to complete the following agreement:</p> <ul style="list-style-type: none"> • Corporate Sponsorship Agreement – Use this to establish the parameters and definitions of the corporate sponsorship and how it benefits MCCC'D. 	YES
Permission and Release Forms	<p>Most are self-explanatory:</p> <ul style="list-style-type: none"> • Agreement to Serve Alcohol Part I and Agreement to Serve Alcohol Part II - Complete both. These are coordinated with the MCCC'D Foundation and require Risk Management, President, and Chancellor approval. • Art Loan Agreement – Use to get permission to display a student's work in a show or display. • Authorization to Release Education Record for Classroom Work (1) or Non-Classroom Work (2) – Student must authorize the release of information, per FERPA mandates. • Food Concessions Agreement – Use to bring food services from outside MCCC'D. This is used when the RFP-awarded company cannot or will not provide the requested services. There is also a <i>Food Truck Insurance and Indemnification Agreement</i> that is specifically for Food Trucks. It is not posted but is available from Legal. Both forms will require Risk Management review. • MCCC'D Location Release – Use to allow an outside party to use MCCC'D property for a photo or video shoot. • Notetaking Services – Use to allow one student to take notes for another student, usually in support of a disability accommodation. 	YES

CONTRACT TYPE	RECOMMENDED USE	CLM ENTRY
	<p>The following release forms can be found on the District Marketing Site and are used to get permission to record a third party's performance.</p> <ul style="list-style-type: none"> • Performance Release Form • Photo + Quote + Video Release Form • Production Release • Speaker Release 	
Professional Services	<p>Use to bring in a speaker, consultant, etc. to provide services for MCCCCD for a set period of time.</p> <p>A professional is a person who is required to have some sort of certification or license in order to do business (and possess the related insurance).</p> <p>CPSs have been used for all kinds of speakers, not just licensed professionals, and may continue to be used for such.</p> <ol style="list-style-type: none"> 1. Contract for Professional Services (CPS) 2. Amendment to CPS <p>Also included on the templates page in this section are helpful links to determine if this is the right type of agreement to use.</p> <ul style="list-style-type: none"> • Instructions for Completing a Contract for Professional Services • How to determine when to use a Contract for Professional Services vs. Employment Contract • Independent Contractor Analysis Worksheet • Decision Matrix • Creating & Signing Agreements • Guidelines for Written Contracts 	YES
Property Loan	<p>Use these to log the loan of MCCCCD-owned property. Usually used by Capital Assets. See Administrative Regulations for restrictions on loans of MCCCCD property.</p> <ul style="list-style-type: none"> • Loan of Property and Acceptance of Loan of Property - Complete both • Acceptance of Donated Property – Use to accept a donation of property from an outside party. 	NO
Training Services Agreement	<p>Originally developed for Gateway's Nursing program, this has recently been expanded for all colleges' and departments' use. It establishes an agreement for MCCCCD to provide instruction with another company.</p> <ul style="list-style-type: none"> • Training Services Agreement -- GWCC • Training Services Agreement -- Non-College Specific 	YES

If you are still unsure of which template to use, or if you want to know if other templates not specified above are available, contact:

Tina Nipko, Contracts Analyst
(480) 731-8893
ce.nipko@domail.maricopa.edu



MCCCD TEMPLATE CREATION AND CLM ENTRY

MCCCD-approved templates are found on the Legal Services webpage in the Employee Portal. **Do not save templates for future use or reuse an old* saved copy.** Contract language is revised as needed, even in the same year. Bookmark the template page and get the template you need there each time.

Employee Portal Home > District Support > Legal Services > [MCCCD Contract Templates](#)

[Contract Lifecycle Management \(CLM\)](#)

MCCCD colleges are entering their own contracts in MCCCD's web-based contract management system⁺. CLM routes agreements to the appropriate people for review and approval. For a list of CLM Team members, contact your college Fiscal Office or Legal Services.

Any document requiring an authorized signature or that refers to terms and conditions which MCCCD is obligated to accept will need to be entered into CLM. This includes (but is not limited to) online click-thru agreements, invoices that refer to a URL with terms and conditions (even if no signature is required), or services requiring MCCCD to provide proof of insurance.

INSTRUCTIONS FOR MCCCD TEMPLATES

- **Complete All Fields—Do not leave any fields blank.** Use N/A if a template field does not apply.
- **Purpose or Scope of Services—Briefly explain the purpose or scope.** “See Attached” is not enough information to describe what is being contracted for. Although you may attach additional documentation, each agreement on its own should clearly explain the purpose and scope of services.
- **Insurance—Include your College Representative's name, address, and email.** Revised templates now include an area for contract creators to enter a College Representative in the Insurance section for Suppliers to provide their Certificate of Insurance (COI). *This is no longer Risk Management or the central email address noted in prior agreements.* It is the College's responsibility to collect, review for compliance, and file the COI into CLM. The College Representative should be someone who can verify the Supplier has provided the necessary coverage.
- **Supplier Signatory—Request Supplier's signatory information.** A current email for your Supplier contact is also required to process your request in CLM. **Suppliers should always sign first when using an MCCCD template.**
- **MCCCD Signatory—Enter MCCCD signatory information.** MCCCD-approved templates may be signed locally** by the College's Vice President of Administrative Services or President. *This role cannot be further delegated.* Multi-college agreements (even on an MCCCD template) and all other agreements will be signed by the contracts attorney at the District Office (noted below).

INSTRUCTIONS FOR CLM ENTRY—PROVIDE THE FOLLOWING TO YOUR COLLEGE CLM TEAM

- **Supplier-signed agreement.**
- **Signed and completed Privacy & Security Questionnaire for Screening (PSQS).** A PSQS is required for ALL agreements. Signed PSQS forms are used for auditing purposes even though the information is included in the CLM record. The PSQS form is on the template page under I.T.
- **All necessary Procurement Documentation.** Include all the information Purchasing may require to complete the purchase, such as quotes or signed competition waiver, invoices, official function form, etc.

Contact your College Reviewer to obtain copies of fully executed contracts. That can then be used to process payment, if necessary, and no additional legal review is required. The College also needs to provide copies of the executed contract to the vendor.

NOTE: *MCCCD Templates use the term “Contractor” in most cases. This is the Supplier/Vendor and should be defined by their full legal entity name (e.g., Oracle America, Inc. rather than Oracle). Be sure to use the legal name of the entity you are contracting with and not the name of the product or service being contracted for. Contract creators should be able to find the full legal name within the terms and conditions of a vendor contract. For MCCCD templates, the person negotiating the contract should obtain the legal name from their supplier/vendor contact before the contract is created, along with their contact's email address.*

COI Training is now online: Employee Learn Center > Search for Training > Type “COI” in Search bar and hit return.

District Office Contracts Attorney: James H. Curtin, Associate General Counsel Sr.

*Outdated versions of templates will not be accepted by the Legal Department and will need to be redone on the current template.

**Designated Signatories at the College may only sign agreements on unchanged MCCCD-approved templates with a scope of services that fall within specific parameters. Colleges may only sign agreements for their own college. Multi-college agreements (like EEPAs) must go to District for signature.

*District Office personnel will be trained to use CLM in Spring, 2020