

SERVICE CONTRACT AGREEMENTS GUIDE

Contract agreements are to be used for those individuals defined as non-employees and organizations (companies or corporations) that provide contractual services to California State University, Dominguez Hills Toro Auxiliary Partners, herein referred to as "Auxiliary".

A standard agreement/contract is required when a contractor, consultant, independent contractor, or vendor provides a service. Evidence of commercial or general liability, auto liability, workers compensation liability, and professional liability insurance may be required. Auxiliary's General Terms and Conditions clearly state the minimum insurance requirements a contractor, consultant, independent contractor, and vendor must meet before services can be rendered. Original and signed standard agreements mitigate risk by dictating minimum insurance requirements.

Auxiliary has four categories of individuals and organizations that provide services which require Acceptance of Auxiliary's General Terms and Conditions.

A. Independent Contractor is an individual (one person) who is assigned specific tasks in an organization that has a set completion date. Employer/employee relationship does not exist. An Independent Contractor can have a standard social security number (SS#) or a company tax identification number (TIN). An Independent Contractor relationship exists when all of the following conditions are met:

1. The work is not a part of the regular business of the employer.
2. The individual is in business for profit to provide the service, product or work.
3. The individual has evidence that the service has been provided to other clients.
4. The individual can provide his/her own tools, supplies, and equipment to complete the job.
5. The individual is not supervised or directed by university employees.
6. When the work is completed, the contract is completed and there is no on-going employment relationship with Auxiliary.
7. Auxiliary does not control the contractor's work location, work hours, or work methods.

B. Contracted Services: An individual (one person) is an Independent Contractor. An Independent Contractor is required to fill out the Independent Contractor forms. As opposed to an Independent Contractor, a company of Consultants or group of individuals providing a service are considered Contractors. A company providing services requires an agreement, but they are not required to fill out the Independent Contractor forms. Consultants whether a company or an individual give professional or technical advice, such as a lawyers, accountants, or engineers. All Service Providers need to sign the Acceptance of Auxiliary's General Terms and Conditions document.

C. Performance Artists/Speakers are Individuals or groups who use their creative and artistic abilities in exchange for a fee. Examples of services include speakers, musical and theatrical performances. If you are contracting with one individual performance artist, this individual is an Independent Contractor. If you are contracting with a company that represents several artists they are a Contractor. All Performance Artists/Speakers need to sign the Acceptance of Auxiliary's General Terms and Conditions document.

D. Vendor is a person or company that sells products, usually similar to different customers. Vendors are required to accept Auxiliary's General Terms and Conditions if they supply services or goods on a regular basis. The purpose of the agreement is to document terms of deliverables, payment, etc. during the exchange of goods and services and the consequences if those expectations are not met. This will enable Auxiliary to mitigate risk by negotiating vendor contracts at the start of any business/partnerships. CSU Risk Management Technical Letter RM 2012-01 requires all contractors, consultants, vendors and suppliers providing services to the University provide evidence of insurance with endorsements, and insurer(s) rating by A.M. Best of A:VII (or better) prior to commencement of all services. If you have questions regarding when you should enter in an agreement, please contact Auxiliary Procurement at AuxiliaryPartners.Procurement@csudh.edu.

Standard Agreement Insurance Requirements: For contracting services with Independent Contractors, Consultants, Performance Artists, and Vendors engagements, please review our [FAQ - Insurance](#) form to determine when insurance is required.

Independent Contractors should not commence work until the procedures below are completed and the Independent Contractor is approved by HR.

Procedures for Contracting with an Independent Contractor

1. The department should review the [Independent Contractor Policy and Procedure](#) carefully before beginning the process of hiring an Independent Contractor.
2. The Department is responsible for completing the [Independent Contractor Request Form](#).
3. Independent Contractor/ Contracted Services, Consultant, Vendors, Speakers, Artists, and Performers: Auxiliary General Terms and Conditions can be found here: [Terms and Conditions for the Acquisition of Goods and Services](#). The Acceptance of Terms and Conditions that the Independent Contractor/ Contracted Services, Consultant, Vendors, Speakers, Artists, and Performers should sign can be found here: [Acceptance of Terms and Conditions](#).
4. Please note that the Independent Contractor should supply a "Scope of Work" and "Fee Schedule" that is agreeable to the department. This SOW/Fee Schedule will be Exhibit A and should be attached to the "Acceptance of Terms and Conditions" document prior to submitting to Auxiliary. In most cases this will be the service provider's quote.

***The Independent Contractor should sign the Acceptance of Terms document and initial the Exhibit prior to requesting Auxiliary's signature. An agreement is not valid until all parties listed in the agreement have signed. Only then is the agreement considered fully executed.**

5. Vendor Data Record Form needed if not on file, click [Vendor Data Record Form](#). This form must be submitted to the secure dropbox only located here: [Dropbox](#)
6. All documents, with the exception of the Vendor Data form should be attached to your Purchase Order. Link: [Purchase Order](#). The purchase order along with all backup documents should be submitted to AuxiliaryPartners.Procurement@csudh.edu. Documents should not be sent directly to Human Resources nor Accounts Payable.

Contractors (not individuals) including Consultants, Performance Artists, should not commence work until the procedures below are completed and a fully executed agreement is in place.

Procedures for contracting with a Contractor, Vendor, or Performance Artist/Speaker

An individual (one person) = Independent Contractor. A company with a tax id having more than one employee, multiple employees = Contracted Service. A company with multiple employees is NOT REQUIRED to complete the Independent Contractor steps 1-2 above.

1. Follow Steps 3 - 6 above. All steps have hyperlinks to forms for your convenience.
2. Please note that the Independent Contractor/ Contracted Services/Vendor should supply a proposed "Scope of Work" and "Fee Schedule" that is agreeable to the department. This SOW/Fee Schedule will be Exhibit A and needs to be attached to the "Acceptance of Terms" document. The "Acceptance of Terms" document should be signed by the service provider and Exhibits initialed prior to submitting the document for Auxiliary's signature. An agreement is not valid until all parties listed in the agreement have signed. Only then is the agreement considered fully executed.

Contracts often take negotiation, if your Independent Contractor/ Contracted Service Provider/Vendor is unable to sign the agreement in its current form and would like modifications, please contact Jinna Matzen, jmatzen@csudh.edu, (310) 243-3244.

Modifications will be approved based on an analysis of risk.

Requesting Payment for All Service Agreements

Upon receipt of the Purchase Order number from Auxiliary Procurement and completion of the agreed upon work, the contracted service provider must send the invoice directly to the department or responsible party for certification. The department must certify (sign the invoice) that the work has been completed per the agreed upon specification in the scope of work by signing the invoices. There are two methods to request payment for services rendered.

Paper copies of certified invoices may be submitted to AuxiliaryPartners.AP@csudh.edu for payment processing. Please note when entering the purchase order number, dashes should be omitted.

Contacts:

For questions or concerns please email AuxiliaryPartners.Procurement@csudh.edu or call (310) 243-3306