

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: III-D.3.2 OAR: 413-330-0400 thru 0430
	ADMINISTRATIVE SUPPORT INDEX	SECTION: D. Contract Management
	ISSUED BY: Office of Safety and Permanency for Children FINAL: 1-02-96	SUBSECTION: 3.Contract Development
SUBJECT: : 2. Contract Writing – OAR		

413-330-400

General Requirements

The written contract will describe the agreement in such a way that no questions remain regarding the agreement or what the parties intend to accomplish by the agreement. Contracts (except standard forms, e.g., Family Foster/Shelter Care) must include, at minimum, a contract approval page, a schedule section and a general provisions section.

Statutory Authority: HB2004
Stats. Implementation: ORS 291.021

413-330-410

Contract Content

(1) The Contract Signature Page:

- (a) Gives official identification of the parties to the contract;
- (b) Shows the inclusive beginning and ending dates of the contract;
- (c) Identifies all attached documents which are a part of the contract;
- (d) Provides specific places for required signatures.
 - (A) Signature places for the State Office for Services to Children and Families, DHR contracts officer, the contractor, and SOSCF authorizing signature are always required;
 - (B) Signature place for the assistant attorney general is required when the contract amount is \$25,000 or more;

- (C) Signature place for the Department of Administrative Services is required unless the contract is an Intergovernmental or Interagency agreement or is a contract for which SOSCF has delegated authority (see OAR 413-330-070);
 - (D) All signature places must include space for dates.
 - (e) Provides space identified for contractor federal tax I.D. number or Social Security number.
- (2) The Contract Schedule:
- (a) An accurate description of the services to be provided by the contractor must be given using specific measurable terms. Questions of quantity, quality, expected results, where services are to be provided, and other expectations will be answered in this section. When necessary, an elaboration of how services are to be provided will be outlined in an exhibit attached to the contract and identified on the contract approval page;
 - (b) Sufficient financial information must be included to calculate the amount due to the contractor for the quantity of services provided during a specific payment period. The contract must state the maximum amount which may be paid to the contractor during the term of the contract except in family foster care and other contracts when approved by the management operations assistant administrator;
 - (c) Instructions must be included covering applicable information such as time, frequency, method and address for reports and billings and collections and distribution of fees. In child care contracts, the schedule should include a disclaimer against any guaranteed number of children to be placed or served.
- (3) The General Provisions:
- (a) The DHR Contracts Section will compile the general provisions to be used with each type of contract. These provisions will contain statements and conditions required by federal and state laws and rules, and by agency policy and standards. These provisions shall not be altered or deleted without approval of the contracts officer.
 - (b) The DHR Contracts Section will include, in each contract with professional consultants and organizations where printed or photographic material is a product of the contract, a clause giving the State Office for Services to Children and Families the royalty free rights to materials delivered under the contract.

Statutory Authority: HB2004
Stats. Implementation: ORS 291.021

413-330-420

The DHR Contracts Section will:

- (1) Prepare and process all contracts between SOSCF and another party or agency except for contracts using standard forms which field staff are authorized to initiate and sign.
- (2) Assist responsible managers in developing standard contract wording for decentralized ongoing programs, including family foster/shelter care. Standard contract wording shall not be altered without approval of the contracts officer.

Statutory Authority: HB2004
Stats. Implementation: ORS 291.021

413-330-430 **Controlling Contract Documents**

The DHR Contracts Section will control all contract actions during the approval process, except those contracts which SOSCF field or program staff have been authorized to approve. The Contract Data Base will be the control document.

Statutory Authority: HB2004
Stats. Implementation: ORS 291.021