

Policies and Procedures #A9



Subject: CONTRACT COMPLIANCE

Department: Administrative

Approved/Amended On: 04/26/2017

Approved By: EMSA Board of Trustees

Effective Date: 07/01/2017

This policy/procedure supersedes all other policies/procedures of the same subject.

Purpose

All EMSA contracts must be in writing, regardless of the dollar amount of the contract or the time period covered by the contract. There will be no verbal agreements with third parties relating to the provision of goods or services either to or from the Authority.

This policy establishes a process for review and authorization for all EMSA Contracts.

This policy specifies the appropriate initiating staff is accountable for understanding and approving the business terms, to include all expenses, and is responsible for following all applicable federal and state laws and EMSA policies in the execution and administration of the agreement **prior** to submitting the draft agreement to the Compliance Officer.

Scope

This process applies to all EMSA, Operations Contractor, and the Office of the Medical Director

Definitions

A “EMSA contract” is defined as an agreement between two or more parties, one of which is EMSA (including any time the EMSA name is used or when the agreement is between the operations contractor on behalf of EMSA) and is intended to have legal effect. A document need not be called a contract to fall within the definition of a EMSA contract. This includes but not limited to a; Memorandum of Understanding (MOU), letter agreement, letter of understanding or simply an agreement. Custodial services, landscape, waste management agreements, tee-shirts or uniform approvals etc., are consider agreements and meet the definition of a EMSA contract. While acting in the scope of your employment, if you are entering into any kind of agreement or other document which may or may not place obligations on EMSA, you will presume you are negotiating a EMSA contract and this Policy applies.

The “EMSA Compliance Officer” is responsible for directing and assuring the active functioning of EMSA’s compliance efforts. As such, the Compliance Officer oversees, coordinates and monitors day to day compliance activities of EMSA.

Review and Approval of Contracts

All EMSA contracts prior to execution (signing) will be reviewed and approved in writing in accordance with all policies and procedures by the Compliance Officer.

EMSA's legal counsel will review and approve for legal form and validity, as applicable. It will be the responsibility of the designated Compliance Officer to forward all contracts requiring legal review to counsel for such measures. An EMSA contract that is not approved by the Designated Compliance Officer cannot be executed in any situation.

This policy is intended to be in association with EMSA Policies A1 Purchasing Policy, A10 Vendor Compliance Policy, A11 Contract Compliance Policy, and A12 Facility Contract Compliance Policy.

Contract Process

Once a contract has been drafted or received, the following steps are to be followed: (Appendix B depicts the EMSA Contract Review/Approval Process)

1. EMSA Contract needed;
2. Staff completes Request for Review Form (Appendix A);
 - a. Initiating member is responsible for understanding and approving the business terms, to include the term and all expenses, and is responsible for following all applicable federal and state laws and EMSA policies in the administration of the agreement **prior** to submitting the draft agreement to the Compliance Officer.
3. The draft contract and form is forwarded to the Compliance Officer;
4. Compliance Officer will determine if contract needs to be sent to the to Legal Counsel;
5. If needed, legal affairs reviews the contract;
6. Returned to Compliance for final approval and signature;
7. Forwarded for signature authority by Compliance;
8. Executed and returned to Compliance for distribution.

All EMSA Contracts will be maintained in electronic form (unless otherwise indicated an original copy may be kept) in the designated repository. Currently the EMSA BOX online storage system in the primary folder "EMSA CONTRACTS" and in the appropriate subfolder designated by year and facility/type.

EMSA Contracts will be reviewed and taken through the contract compliance process at least every five (5) years, unless approved by the Board of Trustees for a longer term.

Signature Authority

In general terms, the Authority Board of Trustees has granted authority to the President/CEO to sign EMSA Contracts relating to the operation of the Authority.

Compliance with Laws

The parties will comply in all material respects with all applicable federal and state laws and regulations including the federal Anti-Kickback statute.

Appendix A: Request for Review/Tracking Sheet



AGREEMENT/CONTRACT ROUTING SHEET

Number of Pages

Date

Description

Division:

Department:

Department Contact Name:

Third Party Name:

Title/Name of Agreement:

Type of Agreement (X): New [] Renewal [] Amendment [] MOU [] Other []

Term of Agreement:

Financial: Estimated Cost:

Estimated Revenue:

Comments:

Purpose (please describe):

Approvals

Initials: Date:

EMSA Authority Designated Compliance Officer [] (Required)

EMSA Legal General Counsel [] (Required)

Signatory Authority

EMSA Authority Board Chairperson [] (Check Box if Signatory)

EMSA CEO [] (Check Box if Signatory)

EMSA COO [] (Check Box if Signatory)

EMSA CRO [] (Check Box if Signatory)

EMSA CFO [] (Check Box if Signatory)

EMSA CIO [] (Check Box if Signatory)

[] Check box if additional action required and describe (notary, etc.)

Submitted By: Date:

Appendix B

