

Contracting Checklist



Include in Contract

- Start date
- End date
- Performance term
- Payment term
- E-Verify clause
- OSHA and prevailing wage clauses for public works contracts
- Board approval
- Signatures of persons authorized to execute contract
- Contact persons for notices, other contract issues
- Venue in District's County
- Contractor will comply with all Federal, State, Local laws and codes
- Contractor and employees will obey Board Policies
- Contractor is independent contractor, not employee, not joint venturer, not agent of District
- Objective terms
- Strong Indemnity and Insurance Provisions
- Background Checks



Object to Including in Contract

- Arbitration, mediation requirement
- Out of state venue
- Agreement to defend, indemnify, hold harmless contractor.
- Terms that allow contractor to violate Board Policies (property, confidentiality...)
- Waiver of sovereign immunity.
- Personal guaranty of contract or authorization to execute contract.
- Limitation of contractor's liability
- Exclusivity clause, restriction on contracting with others
- Limits on time sue for breach of contract
- Balloon payments or other payments not related to performance
- Vague or subjective terms

