

Contracts and Documents**APPROVAL BY SCHOOL BOARD ATTORNEY**

In view of the considerable amount of tax funds expended in the administration of Board affairs and in order to provide for the protection of the Board and the Superintendent of Schools, the Board directs that all contracts to which the School Board is a party be submitted to the Board Attorney for drafting or approval as to form and to determine if such contracts meet all relevant and applicable legal requirements as to form and legal sufficiency. Such legal review shall focus on and address the following minimum requirements: 1) compliance with applicable Florida laws and School Board rules; 2) protection and/or retention of Board's rights to real, personal, or intellectual property; 3) specifying that venue, should the contract result in litigation, will be in Miami-Dade County, Florida; 4) stipulate that contract will be governed by and interpreted under Florida law; 5) limiting the Board's exposure to liability and ensuring that the Board's immunity as afforded by § 768.28, Fla. Stat., is not waived; 6) compliance with Florida's Public Records Act, including maintaining the confidentiality of records exempted by law from public disclosure; and 7) that if the performance of a contract is dependent, in whole or in part, on the award of a grant, such a contingency must be referenced in the contract. If the terms of a contract fail to meet legal sufficiency in general terms, or with respect to the minimum terms specified above, the contract shall not receive legal approval, unless the absence of those terms from the written contract are approved by the Superintendent or the Superintendent's designee, for contract totaling \$100,000 or less. Nothing in the preceding provision is intended to abrogate the Board's sole authority to approve contracts that exceed the established threshold amount as set for in Board rules.

Any requested amendments, modifications, or addenda, to existing contracts must also be submitted to the School Board Attorney for review and approval as to form and legal sufficiency. Whenever possible, standardized form contracts that have been approved by the School Board Attorney shall be employed. Once a contract has been approved as a standard form contract, any future modification to said contract must be presented to the School Board Attorney for approval.

In addition, where a recommendation is submitted to the School Board seeking the authorization of the Board to negotiate and to subsequently formalize a contract, the Agenda Item seeking such authority should, at a minimum, provide the essential terms of the contract, including, but not limited to the following: (1) the scope of the services that are to be provided pursuant to the contract; (2) the maximum monetary value or expenditures permitted under the contract; (3) the date services are

anticipated to commence under the contract along with the anticipated date of the end of such services; (4) any terms regarding the Board's option to renew or to extend the contract for an additional contract period; and (5) any significant terms that are unique/peculiar to the contract. If the proposed written contract is materially inconsistent with the terms authorized by Board action, the contract shall not receive legal approval.

Specific Authority: 1001.41(2) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.41(4) F.S.

**History:** **THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

Repromulgated: 12-11-74

Amended: 4-18-06