



This guide serves to assist agencies in the preparation of contracts for professional services exempt from the competitive bidding process. See Title 18 O.S. § 803 for those professions exempt from competitive bidding. See Title 74 O.S. § 85.7 & § 85.41 for requirements pertaining to professional services.

I. The following is representative (not all inclusive) of criteria/requirements of a contract document:

- A. Parties to the contract stated as one of the following:
 - 1. When contracting with an individual, name of licensed contractor.
 - 2. When contracting with a company for the services of an individual(s) name of company, including name(s) of licensed employee(s) conducting contract work.
- B. Contract requirements/scope.
- C. Compensation rate (e.g.: hourly rate, rate for various assignments).
- D. Method of payment.
- E. Performance measures.
- F. Contract administrator/agency contact.
- G. Terms and Conditions (such as):
 - 1. Contract period.
 - 2. Renewal clause (state option(s), if considering multiple years).
 - 3. Termination clause.
 - 4. Oral agreements clause.
 - 5. Audit/retention of records clause.
 - 6. Insurance clause (if applicable).
 - 7. Equal employment opportunity clause (if applicable).
 - 8. Workers' compensation clause (if applicable).
 - 9. Liability clause (if applicable).
 - 10. Default clause.
 - 11. Inspection of services.
 - 12. Any additional terms required by the agency.
- H. Signature of both parties.
- I. At least one copy of the contract (when submitting to Central Purchasing), and any additional copies required by your agency.

II. Documentation required for agency file:

- A. Executed copy of contract containing the above requirements.
- B. [Contract Non-Collusion Certification](#).
- C. Copy of license of individual(s) performing service.
- D. Attorney General's approval when contracting with an attorney. See Title 74 O.S. § 20i.
- E. Work plan.
- F. Professional or nonprofessional service statutory language included pursuant to Title 74 O.S. § 85.4.

III. If Central Purchasing is required to process the acquisition, the following is to be submitted to Central Purchasing:

- A. Executed copy of contract containing the above requirements.
- B. Requisition to OMES Central Purchasing.
- C. Professional or nonprofessional service statutory language included pursuant to Title 74 O.S. § 85.4.
- D. [Contract Non-Collusion Certification](#).
- E. Attorney General's approval when contracting with an attorney.
- F. Work plan.