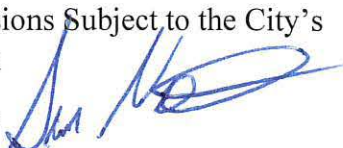


**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

Policy Memorandum No. 122 (R)

September 1, 2022

TO: All Departments, Boards, Agencies, and Commissions Subject to the City's
Purchasing, Contracting, and Procurement System

FROM: Gilbert A. Montaño, Chief Administrative Officer 

SUBJECT: **CONTRACT ROUTING PROCESS POLICY**

I. PURPOSE

To further promote transparency and continue to provide effective and efficient administrative guidance, this policy memorandum is revised to streamline the City of New Orleans ("City") contract routing process and establish a protocol for the approval of executive branch contracts.

II. GOVERNING AUTHORITY

Home Rule Charter of the City of New Orleans ("Home Rule Charter") Sections 4-206(1) (h) & (i) empower the Mayor to sign contracts and to see that the terms and conditions of all contracts are faithfully executed.

Home Rule Charter Section 4-302(5) authorizes the Chief Administrative Officer ("CAO") to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards."

Home Rule Charter Section 4-401(5) provides that the City Attorney is to "prepare or approve as to form and legality, all contracts, documents and instruments creating any legal or conventional obligation affecting the City."

Home Rule Charter Section 4-404(2) requires that certified copies of all contracts become a part of the Law Department's archives.

Home Rule Charter Section 6-103(3) provides that the "approval of an expenditure schedule by the CAO shall constitute a budgetary allotment which shall be binding upon such office, department or board, and the Department of Finance shall approve or issue no requisition, purchase order, voucher or check that is not in accordance with such allotment."

Home Rule Charter Section 6-107 describes the term "encumbrance" as a "commitment for expenditure of an appropriation evidenced by a valid requisition properly approved."

Home Rule Charter Section 6-308 provides that the Mayor shall sign all formal written contracts to which the City is a party, except those administered by the Council; that any agency may propose a contract; that the Department of Law must approve all contracts for

form and legality before the Mayor signs; and that the Department of Finance must approve all contracts involving a financial obligation by the City prior to signature by the Mayor.

III. DEFINITIONS

BRASS. The term “BRASS” means Budget Requisition and Accounting Services System.

Contract. The term “contract” means a written agreement between two or more parties creating enforceable obligations.

User entity. The term “user entity” means a City office, department, commission, or board seeking to procure movables and/or services.

Vendor. The term “vendor” means contractor, consultant, agency, or any other party with whom the City is entering into a contract.

IV. GENERAL CONTRACTING POLICIES

A. Contract

1. When required, the user entity will secure a contract prior to obtaining movables and services.
2. The user entity must route all contracts through BRASS.
3. The user entity will secure a contract for movables and services procured through a formal procurement process; for professional services (irrespective of the contract amount); for granting or sub-awarding funds; for certain transactions resulting from an informal procurement process; for real estate transactions; and for cooperative endeavors.
4. Where not otherwise required, the user entity will secure a contract according to complexity, duration and business need, or as directed by the Bureau of Purchasing, or the Law Department, or both.
5. If a vendor requires a signature on a contract or any equivalent written form, the user entity must route the contract or equivalent written form in BRASS for review and execution.
6. The user entity can consult the Bureau of Purchasing and the Law Department prior to seeking a contract.

B. Signature

1. The Mayor signs all contracts to which the City is a party.
2. The Mayor may delegate the signature to the CAO or the Director of Property Management.

C. Extension or New Procurement

1. The user entity must initiate the routing process for the extension of the term of an original contract as early as 6 months but no later than 3 months prior to the expiration of the term of the original contract.
2. If movables and/or services are still needed beyond the expiration of a contract's final extension, the user entity must initiate the routing process of a new contract or procurement 6 months prior to the expiration of the contract.
3. Lack of planning will not constitute a valid reason to justify the exercise of the expediency contract routing process to route an extension or a new contract.

D. Disadvantaged Business Enterprise (DBE)

1. Prior to the execution of an original contract, the user entity must obtain confirmation from the City's Office of Supplier Diversity that the City can enter into a contract with a vendor.
2. Prior to the routing of an extension to the original contract, the user entity must obtain confirmation from the vendor and the City's Office of Supplier Diversity that the vendor is compliant with the DBE program.
3. The user entity must attach the applicable confirmation when routing the contract in BRASS.
4. Said confirmation will not apply if the DBE program is waived or the contractual transaction is listed in the DBE policy as an exception to the DBE program.
5. The City's Office of Supplier Diversity maintains the latest versions of the documentation that User Entity must use.

E. Checklists

1. The user entity must follow the checklists developed by the Bureau of Purchasing and the Law Department to route a contract.
2. The Bureau of Purchasing and the Law Department maintain the latest versions of the checklists on the City's intranet site, the Neutral Ground.

F. Contract Manager

1. The user entity must designate at least one employee as "Contract Manager."
2. The Contract Manager will be the primary point of contact for routing the contract, managing the contract, and communicating with the vendor.

G. Copies and Publication of Contracts

1. The Law Department shall maintain a file with one hardcopy of the fully executed original contract.
2. The user entity shall also maintain a file with one hardcopy of the fully executed original contract.

3. The City will make contracts publicly through BRASS on the City's website.

V. ROUTING PROCESS

A. Standard Contract Routing Process

1. The user entity will route a contract to the Law Department and the Mayor's Office for execution in accordance with the Contract Management Manual.
2. The Contract Management Manual shall apply to all contracts, including contracts resulting from formal and informal procurement processes.
3. The Bureau of Purchasing and the Law Department will maintain the Contract Management Manual.

B. Expediency Contract Routing Process

1. The Expediency Contract Routing Process constitutes a deviation from the standard process.
2. The user entity will use the Expediency Contract Routing Process under exceptional circumstances. Said process is described in the Expediency Contract Routing Form on the City's intranet site, the Neutral Ground.
3. Exceptional circumstances warranting use of the Expediency Contract Routing Process include: BRASS is temporarily not working; the user entity is under a 15-day deadline or less to get a contract executed; and the user entity is at risk of losing funds.
4. Outside of those circumstances, the user entity must obtain approval through BRASS from the Chief Procurement Officer, the Chief Financial Officer, the Chief Administrative Officer, and the City Attorney to use the Expediency Contract Routing Process.

C. Emergency Contract Routing Process

1. If the Federal, State, or Local government (including a department) declares an emergency, the user entity must follow the Emergency Procurement and Contracting Manual.
2. The Bureau of Purchasing and Law Department will maintain the Emergency Procurement and Contracting Manual.

VI. PERFORMANCE MANAGEMENT

In order to guarantee accountability and high-quality performance in contract routing, the Office of Performance and Accountability ("OPA") maintains a performance measurement and management system for the process outlined in this policy memorandum. All relevant departments and agencies shall work with OPA to develop, track, and analyze performance measures related to the timeliness and quality of contract routing.

VII. WAIVER

Requests to waive any of these provisions must be approved by the Law Department and the Bureau of Purchasing prior to obtaining the approval from the CAO in writing.

VIII. INQUIRIES

Questions regarding this memorandum may be submitted to the Chief Administrative Office at (504) 658-8600.