



### 3.2.13 Background Checks of Supplier and Contractor Employees

#### Policy Statement

Per BOR policy and procedure, purchases shall be reviewed to assess the risk of services provided to the institution by a supplier when the services require regular interaction with students, employees, monies, sensitive/confidential data, or regular access to secured facilities containing critical institutional-level infrastructure. In instances when UGA determines that the scope of work being performed by a supplier's employee is such that a background check should be required, the University must seek appropriate contractual protections, including requiring the supplier to obtain appropriate background checks for all such supplier employees and indemnifying and holding harmless the Board of Regents and the University for the actions of supplier's employees.

#### Reason for policy

This policy is established to comply with Board of Regents Policy Manual, Section 7.7.5 entitled "Background Checks of Supplier and Contractor Employees" and Board of Regents Business Procedures Manual, Section 3.1.3 entitled "Background Checks of Supplier Employees". It provides guidance on when a contract/purchase order needs to include requirements for suppliers to conduct background checks of their employees. It also covers the renewal of contracts that require the supplier to continue to conduct background checks of their employees.

#### Procedures

**(1) Purchase Requests/UGAmart requisitions:** UGAmart will include fields in the internal notes section that will require the shopper/requisitioner to provide information on whether the resulting purchase order/contract will require the supplier to conduct background checks on their employees. UGAmart fields will require shopper/requisitioner to indicate if the purchase will involve (1) regular interaction with students, employees or minors, and/or (2) regular access to facilities, monies, sensitive information. If not, the shopper/requisitioner will explain why background checks are not required. UGAmart will include a confirmation statement that the approval of the requisition by the requisitioner and at the Departmental level serves to confirm that the background checks information provided is accurate. Based on the answers provided in the internal notes section, Procurement will be responsible for including the appropriate provisions in the contract. The term will be added via a document that requires bilateral signature of the parties.

**(2) Payment Requests, PCard, Petty Cash:** If the purchase requires (1) regular interaction with students, employees, minors, and/or (2) regular access to facilities, monies, sensitive/confidential information – that purchase is not allowed under Pcard, petty cash, or payment request procedures/processes. Departments may request Procurement to grant an exception to this policy if the supplier will not accept a purchase order. The supplier will need to confirm compliance with background checks requirements for their employees in order for an exception to be granted. This confirmation will be handled via a document that requires bilateral signature of the parties and would therefore serve as meeting the contractual protection requirement. Any requests for exceptions should be submitted to the attention of the Procurement Officer via email to [procure@uga.edu](mailto:procure@uga.edu). Please include "Request for Exception to Background Check for Suppliers Policy" in the subject line of the email.

**(3) Renewal of Contracts:** If an existing contract is to be renewed, the supplier's renewal paperwork will contain attestation language that the background check requirement for the previous year was met as a requirement for renewal. If the original contract did not contain the background check requirement, but it is now required under policy,

the provision will need to be added to the contract via a contract addendum which will require bilateral signature of the parties.

(4) **Supplier Responsibilities:** For avoidance of doubt, Suppliers maintain full responsibility for implementing and enforcing all appropriate background check requirements. Additionally, suppliers shall maintain full responsibility for the actions of their employees and, pursuant to contractual provisions included by Procurement, shall defend, indemnify, and hold harmless the Board of Regents of the University System of Georgia for the actions of the suppliers' employees. If the University discovers that a supplier is not complying, their failure to meet this requirement will be considered a breach of contract. Procurement, in its sole discretion, may provide notice with time to cure, or terminate the agreement depending upon the severity and nature of the breach of contract.

---

#### Forms/Instructions

None

---

#### Additional Contacts

None

---

#### Definitions

Regular Interaction/Access- see FAQ 1

---

#### Responsibilities

**Responsible University Senior Administrator:** Vice President for Finance & Administration

**Responsible University Administrator:** Associate Vice President – Finance Division

**Policy Owner:** Procurement

**Policy Contact:** Bob Currey

**Phone Number:** 706-542-7066

---

#### Record Retention

**Citation or Reference:** [Contracts and Agreements Records](#)

**Number:** 0472-14-002

This series documents the negotiation, execution, completion, and termination of legal agreements between an institution and other parties, and for personal/professional services. Records include a copy of the official contract or agreement, memoranda of understanding, amendments, exhibits, and addenda.

**Retention:** Contracts or agreements documenting building construction, alterations, or repair: 10 years after expiration; Other contracts and agreements: 7 years after expiration.

---

#### Appendices

None

---

#### FAQs

1. Is there any guidance on policy interpretation, specifically around the definition of “regular” interaction or access?

While not specifically defined within the BOR policy or procedure, examples include, but are not limited to:

- Outsourced bookstore operations
- Outsourced food and beverage operations/services (i.e. Jittery Joes at MLC, vending contract)
- Contract with a repetitive schedule and/or multiple locations across campus, with consideration to when the building will be accessed and the potential interaction with UGA employees/students in the building, such as
  - Maintenance of facilities

- Custodial services
- Pest Control services
- Summer camp services
- Call centers that involve access to confidential and/or sensitive data
- Long term project management or consulting services where the supplier's employees will be on campus for an extended period of time
- Service contracts in areas that have sensitive data where suppliers could potentially access this data, such as University Health Center, Bursar's Office, Boyd Graduate Computer Center
- Services contracts involving payment card industry (PCI) compliance
- Any services rendered at the McPhaul Child Care Center or the University Child Care Center
- Any services rendered in an otherwise private space, such as a sleeping room, locker room, bathroom, shower room, or other dressing or housing areas,

---

#### Related information

[BOR Policy Manual](#) - section 7.7.5.1

BOR Business Procedures Manual – [section 3.1.3](#)

---

#### Policy Dates

Effective Date: January 1, 2021

Date Last Updated:

Date of Last Review:

Date of Approval:

Previous Version of Policy: None