

## **TXST Contract Monitoring & Responsibilities**

A Contract Manager (department stakeholder) should have a proficient understanding of all contract terms and conditions, the ability to communicate the contract requirements to all parties involved and maintain responsibility over the vendor's performance for any contract they are a stakeholder.

The Contract Manager should ensure that the contract requirements are met, all goods and/or services are delivered in a timely manner, and the financial interests of the university are protected.

### **Contract Manager Responsibilities:**

The primary responsibilities of the Contract Manager include, but are not limited to:

- Serve as the primary point of contact for disseminating instructions regarding the Statement/Scope of Work (SOW) to the vendor.
- Coordinating communications between the university and the vendor.
- Establish scope of authority, maintain clear lines of communication, and provide any reporting required.
- Manage university assets associated with any contract.
- Provide access to university facilities, equipment, data, personnel, materials, information, and any other required resource(s) needed by a vendor.
- Identify, document, and resolve minor disputes with a vendor in a timely manner.
- Implementing a quality control and assurance process.
- Maintain appropriate documentation as required by Federal, State, TSUS System, and/or University Policy and Procedures.
- Documenting significant events including deficiencies, deliverables, milestones, and reporting to required parties.
- Monitoring the vendor's progress and performance to confirm goods and/or services conform to the contract requirements.
- Encumber funds upon contract execution to ensure funds/budget are available for the duration of the contract.
- Inspecting and approving the final goods and/or services are received and approving the goods receipt (GR's) and/or service receipts (SR's).
- Authorizing payments consistent with the contract/agreement and in accordance with Institutional operating policies and procedures.
- Performing the contract close-out responsibilities for all contracts/agreements over \$250,000.00.
- Ensuring that any changes to the vendor profile in SAP (TCode ZMKO3 – Display Vendor) are reported to Vendor Management at [vendorrequests@txstate.edu](mailto:vendorrequests@txstate.edu) and that vendor updates their information in PaymentWorks.
- A Letter of Termination will be required to terminate for cause/without cause, dependent on the terms and conditions of the contract/agreement. The Contract Manager will need to contact the Contract Specialist to create a Letter of Termination. This document will need to be sent to the vendor, and both the letter and email saved in the TSUS Marketplace Contract.
- Any other items, reports, responsibilities, etc. as identified in the Contract.

### **Contract Managers are NOT authorized to:**

- Instruct a vendor to start work prior to a fully executed contract and receipt of any required insurance, certification, permits, a fully executed purchase order, and/or other requirements.
- Alter the Statement/Scope of Work, terms, or extend the contract end date of the contract without a formal contract amendment processed by the Contract Specialist.
- Accept changes to the HUB Subcontracting Plan or approve substitutions or additions of subcontractors without documenting the changes and obtaining approval from the Hub Specialist.

- Allow the vendor to incur any obligations outside of the scope of the contract.

**Procurement Staff Responsibilities:**

The primary contract responsibilities of the Procurement Staff include, but are not limited to:

- Providing guidance, as needed, to the Contract Manager throughout the life of the contract.
- Consulting with OGC to address any legal concerns or issues.
- Receiving and responding to formal contract negotiations between the Institution and the vendor.
- Managing, approving, and documenting any changes to the contract (e.g., amendments, change orders, extensions).
- Ensure all required documents/forms are included in the TSUS Marketplace Contract.
- Assisting in resolving disputes with the vendor in a timely manner.
- Providing notices, as appropriate, when a vendor’s performance is deficient.
- Providing oversight of the Contract Close-out process to properly document the contract closure.

**Routine Contract Monitoring for All Contracts (Department Responsibility):**

**\*\*NOTE: All email correspondence to the Procurement Office (should include the TCM contract request and/or number).**

- The department shall notify the Contract Specialist of any contract-related issues that cannot be resolved.
- The department shall work in conjunction with the Contract Specialist to issue any **Amendment for renewal** prior to expiration of contract term.
- The department shall verify receipt of deliverables (correct, undamaged, on time, etc.).
- The department shall review and approve invoices to ensure that they are valid and accurate prior to payment being issued. (Vendor name/address matches SAP amounts billed, etc.)
- The department shall send all department/vendor communications related to contract performance resolution to the Contract Specialist to be uploaded into the TSUS Marketplace Contract.
- The department shall issue a corrective action plan if the vendor’s performance is not satisfactory and communicate issues to the Contract Specialist.
- If applicable, the vendor shall submit a HUB Progress Assessment Report (PAR’s) with each invoice.
- The department shall complete the **FS-07 Contract Close-out Form** for ALL contracts/agreements \$250,000 and greater at the conclusion of the contract, once the final invoice has been posted by Accounts Payable and reflected in SAP.

**Enhanced Contract Monitoring for All Contracts \$1,000,000 or Greater and/or High-Risk Contracts (For FS-01 Risk Assessment Worksheet with a Score Greater Than 26) (Department Responsibility):**

**\*\*NOTE: The items below shall be completed in addition to those required for Routine Monitoring.**

- A contract kickoff meeting shall be conducted to review the contract requirements, **FS-01 Risk Assessment** and the **FS-02 Contract Monitoring Plan**. (For guidance, see **Appendix 27** from the Comptrollers Procurement and Contract Management Guide).
- The vendor shall provide progress reports/updates to the department. (Frequency determined at the kickoff meeting).
- Routine business review with the vendor. (Frequency determined at the kickoff meeting).

Reference to “Contract Specialist” in this document refers to the Procurement and Strategic Sourcing role. These duties are also completed by the Contract Specialist/Buyers in Facilities and Facilities Planning and Design (FPDC) and Procurement Manager/Buyers in Information Technology.