

# FS-02 Enhanced Contract Monitoring Required for all Contracts \$1,000,000 and Greater

**Exempt Contracts: Interagency/Interlocal, MOU** 

TCM Contract N	lumber:		
Vendor Name:			
RFP Number:		RFP Name:	
Contract Not to Exceed Amount:		Start Date:	End Date:
Number of Ren	ewals: Renewal Term:		
Contract	Manager Information (Department)		Vendor Information
Name		Vendor SAP #	
Department		Contact Name	
Phone		Phone	
Net ID		Email	

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

**Note**: All email correspondence to P&SS should include the TSUS Marketplace contract request number and/or the contract number. Send all email correspondence related to contracts to <a href="mailto:contracts@txstate.edu">contracts@txstate.edu</a>.

- 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 an Amendment for any changes to the Contract, including renewals issued prior to the expiration date.
- 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.
- 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 notify the Contract Specialist of any contract-related issues that cannot be resolved.
- The department shall issue a corrective action plan to restore compliance with the contract if the vendor's performance is not satisfactory, or vendor is in breach of the contract. Send the plan and all email correspondence to the Contract Specialist to upload in the TSUS Marketplace Contract.
- If applicable, the vendor shall submit a HUB Progress Assessment Report (PAR's) with each invoice.
- The department shall complete the <u>FS-07 Contract Close-out Form</u> for ALL contracts/agreements \$250,000 and greater at the conclusion of the contract, once Accounts Payables has posted the final invoice and it is reflected in SAP.

<u>Enhanced Contract Monitoring – Required for All Contracts with a Risk Assessment Score of 26 and regardless of dollar value, or \$1,000,000 and greater (Department Responsibility).</u>

### The items below are in addition to the items required in routine monitoring.

- A contract kickoff meeting shall be conducted to review the contract requirements, <u>FS-01 Risk Assessment Worksheet</u> and the <u>FS-02 Enhanced Contract Monitoring</u>. (For guidance, see <u>Appendix 27</u> 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).
- P&SS will communicate all corrective actions plans to the CFO.
- The department shall notify P&SS of any assessed or collected liquidated damages under the contract, and P&SS will forward the information to the CFO.

Reference to "Contract Specialist" refers to the Procurement and Strategic Sourcing role. These duties are also completed by the Contract Specialist/Buyers in Facilities, Facilities Planning Design & Construction (FPDC), and Procurement Manager/Buyers in IT Business Services.

Requirement	Completed	N/A	Completed By
SAO State Agency Uniform Nepotism Disclosure Form  Pursuant to <u>Texas Government Code</u> , <u>Sec. 2262.004</u> , purchasing personnel of a state agency must disclose information regarding certain relationships with, and direct or indirect pecuniary interests in, any party to a major contract with the state agency prior to the award of a major contract.			Contract Manager (Department Stakeholder) See PART 1 & PART 2 on pages 3-4
T.E.C. Certificate of Interested Parties (Form 1295)			Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)
Board of Regents Approval (Board meets Quarterly)			Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)
<ul> <li>Director of Procurement Verification to the Chief Financial Officer (CFO)</li> <li>Financial provisions and delivery schedules are compliant.</li> <li>Any corrective action plans required and the status of corrective action plans.</li> <li>Information about any liquidated damages assessed or collected.</li> </ul>			Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)
\$5,000,000 or greater only  Director of Procurement Verification to Vice Chancellor (VC) & Chief Financial Officer (CFO)  • Solicitation method & vendor selection process is compliant.  • Identification of potential issues with selection process.			Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)

This fully executed Contract Monitoring Plan must be signed by the Contract Manager (Department Stakeholder), Contract Specialist/Buyer, the Director of Procurement and Strategic Sourcing, and the Vice President for Finance and Support Services.

Contract Manager (Department Stakeholder)	Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)
Signature:	Signature:
Name:	Name:
Title:	Title:
Date :	Date:
Director, Procurement and Strategic Sourcing	Exec VP, Operations & CFO
Signature:	Signature:
Name: <u>Dan Alden</u>	Name: Eric Algoe
Date :	Date:

### STATE AGENCY UNIFORM NEPOTISM DISCLOSURE FORM

Pursuant to <u>Texas Government Code</u>, <u>Sec. 2262.004</u>, purchasing personnel of a state agency must disclose information regarding certain relationships with, and direct or indirect pecuniary interests in, any party to a major contract with the state agency prior to the award of a major contract. Specifically, the statute requires:

Before a state agency may award a major contract for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds \$25,000, or other owner of the business entity that is within a degree described by Section 573.002.

"Purchasing personnel" means an employee of a state agency who makes decisions on behalf of the state agency or recommendations regarding:

(A) contract terms or conditions on a major contract; (B) who is to be awarded a major contract; (C) preparation of a solicitation for a major contract; or (D) evaluation of a bid or proposal. <u>Texas Government Code, Sec. 2262.004(a)(2)</u>.

"Major contract" means a contract that has a value of at least \$1 million. Texas Government Code, Sec. 2262.001(4).

#### **INSTRUCTIONS:**

- 1. The disclosure form must be submitted by purchasing personnel prior to the award of any major contract.
- 2. This form must be submitted even if you answer "no" to questions 1 and 2 in part 2.
- 3. A new or amended form must be promptly filed with the administrative head of the agency whenever there is new information

\$25,000 in a business entity that is under consideration for an award of a major contract with your agency?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business that is related within a degree described by Government Code, Section 573.002?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my known.	PURCHASING PERSONNEL DISCLOSURES – Contract Manager (Department Stakeholder)						
<ol> <li>Do you directly or indirectly own or control more than a 10 percent interest or pecuniary interest with a value of \$25,000 in a business entity that is under consideration for an award of a major contract with your agency?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No</li> <li>Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business that is related within a degree described by Government Code, Section 573.002?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my known acknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the</li> </ol>	Prin	nted Name:					
\$25,000 in a business entity that is under consideration for an award of a major contract with your agency?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  2. Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business that is related within a degree described by Government Code, Section 573.002?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my known acknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the	ob	Title:					
2. Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business that is related within a degree described by Government Code, Section 573.002? If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.) No I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my known acknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the	.,,,,,,,,,,,,,						
\$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business that is related within a degree described by Government Code, Section 573.002?  If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my knowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the		If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No Yes					
I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my known acknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the	\$25,000 with the business entity under consideration for an award of a major contract, or other owner of the busines						
acknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the		If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)  No  Yes					
	ackr	ereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my knowledge. I nowledge my responsibility to submit promptly a new or amended disclosure form to the administrative head of the agency if of the above information changes.					
Signature Date	ign	pature Date					

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PURCHASING PERSONNEL DISCLOSURES – Contract Specialist/Buyer (Procurement, Facilities, FPDC, VPIT)						
Pr	rinted Name:					
Jo	b Title:					
3.	Do you directly or indirectly own or control more than a 10 percent interest or pecuniary interest with a value exceeding \$25,000 in a business entity that is under consideration for an award of a major contract with your agency?					
	If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)	No	Yes			
4.	Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of at lea \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business entit that is related within a degree described by <a href="Movernment Code">Government Code</a> , <a href="Section 573.002">Section 573.002</a> ?					
	If yes, please explain in detail the nature of such relationships. (Attach additional sheets as needed.)	No	Yes			
ac	nereby attest that all information provided above in questions 1 and 2 are complete and accurate to the be cknowledge my responsibility to submit promptly a new or amended disclosure form to the administrative by of the above information changes.	•	-			
Sig	gnature Date					
S1	TATE AGENCY UNIFORM NEPOTISM DISCLOSURE FORM – Administrative Head of Agency					
	ereby acknowledge receipt of the State Agency Uniform Nepotism Disclosure Form signed by the dicated above.	e purchasing	personnel			
Si	ignature: Date					
Pr	rinted Name: <u>Dan Alden</u>					