

# CONTRACT MONITORING

FS-01

## SECTION 1 – RISK ASSESSMENT WORKSHEET – (Required for Contracts \$500,000 and Greater)

TSUS Marketplace Contract #: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

SAP Vendor #: \_\_\_\_\_

Department Contract Manager Information	
Name	
Department	
Phone	
Net ID	

Total Risk Score	Risk Level	Contract Monitoring
17 or less	Low	Routine
18-25	Medium	Routine
26 or greater	High	Routine and Enhanced

Risk Factors	Low Risk	Medium Risk	High Risk	Score
Contract Dollar Value (Expenditure or Revenue)	\$0 - \$499,999.99 (1)	\$500,000 - \$999,999.99 (3)	≥ \$1,000,000 (5) Requires Enhanced Contract Monitoring	
Contract Term	One to Two Years (1)	Three to Five Years (3)	Greater than five years (5) (requires exception by OGC)	
Statement of Work (SOW) Deliverables	None (1) - Simple	Low (3) - Specific	High (5) - Complex	
Using Vendor's Contract/Agreement	No (0)	N/A	Yes (5)	
Previous experience with the Contractor	No past performance issues (1)	No previous experience (3)	With past performance issues (5)	
IT Procurement - Data Security/Accessibility requirements (e.g., electronic subscriptions, desktop applications, cloud storage, etc.)	No (0)	Hardware (3)	Software (5)	
Intellectual Property (e.g., copyrights, trademarks, patents, etc.)	No (0)	N/A	Yes (5)	
Use of Subcontractors	No (0)	Yes (3)	N/A	
Consulting, Architect, Engineer, or Construction Contract	No (0)	Yes (3)	N/A	
EHSREM (e.g., fire, hazardous material, chemicals, lasers, drones etc.)	No (0)	N/A	Yes (5)	
Will the vendor be on campus for extended periods or have access to buildings	No (0)	N/A	Yes (5)	
Student Travel	No (0)	N/A	Yes (5)	
Is vendor based in a foreign country?	No (0)	N/A	Yes (5)	
Lease of University office space, land, etc.	No (0)	Yes (3)	N/A	
Other Potential Risks/Comments:			<b>TOTAL RISK SCORE</b>	

**If the total score is 26 or greater, Enhanced Monitoring is required (Section 3).**

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## SECTION 2 – ROUTINE CONTRACT MONITORING (REQUIRED FOR ALL CONTRACTS)

Refer to the contract monitoring web site at <https://www.txst.edu/procurement/contracts/routine-contract-monitoring.html> for additional information

**Note:** Regardless of the risk analysis, contract review shall be in accordance with procedures set forth in the Texas State University System (TSUS) [Contract Management Handbook](#) and Texas State University (TXST) Policies. Signature authority shall be in accordance with TXST UPPS [03.04.02](#). The individuals that have contract signature authority is located at <https://www.fss.txst.edu/contracts.html>. Should vendor performance not meet contractual requirements, it is essential that it is immediately communicated to the vendor, in writing, along with intended outcomes and deadlines to remedy. A copy of such correspondence should be sent to Procurement and Strategic Sourcing (P&SS) at [contracts@txstate.edu](mailto:contracts@txstate.edu) for documentation. If the vendor fails to address identified performance issues within the established and agreed upon period, the department should reach out to P&SS for further guidance.

Reference to “Contract Developer” in this document refers to those individuals with Certified Texas Contract Developer (CTCD) certification and actively work with vendor and department to negotiate the contract.

**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 [contracts@txstate.edu](mailto:contracts@txstate.edu).

- The department shall notify the Contract Developer of any contract-related issues that cannot be resolved.
- The department shall work in conjunction with the Contract Developer 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, 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 Developer to be uploaded into the TSUS Marketplace Contract System.
- 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 action plan and all email correspondence to the Contract Developer 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 [FS-07 Contract Close-out Form](#) for all contracts/agreements of \$250,000 and greater at the conclusion of the contract once Accounts Payables has posted the final invoice and it is reflected in SAP.

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## SECTION 3 – ENHANCED CONTRACT MONITORING REQUIRED FOR ALL CONTRACTS WITH A RISK ASSESSMENT SCORE OF 26, (REGARDLESS OF DOLLAR VALUE), OR \$1,000,000 AND GREATER (Department Responsibility).

The items below are in addition to the items required in Routine Contract Monitoring.

- A contract kickoff meeting shall be conducted to review the contract requirements. (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).
- P&SS will communicate all corrective action plans to the Executive Vice President for Operations and Chief Financial Officer (EVPO/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 EVPO/CFO.

Requirement	Completed By
T.E.C. Certificate of Interested Parties (Form 1295) must be completed and signed by the vendor and acknowledged by TXST on the Texas Ethics Commission web site at <a href="https://prd.tecprd.ethicsefile.com/File/">https://prd.tecprd.ethicsefile.com/File/</a> .	Vendor and Contract Developer

By signing below, you acknowledge that once the contract is fully executed, you are responsible for all aspects of routine and/or enhanced contract monitoring as indicated in this document.

### Contract Manger (Department Stakeholder)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Contract Developer

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Director, Procurement and Strategic Sourcing

Name: Dan Alden \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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## SECTION 4 – STATE AGENCY UNIFORM NEPOTISM DISCLOSURE FORM

Pursuant to [Texas Government Code, Sec. 2262.004](#), purchasing personnel of a state agency must disclose information regarding certain relationships with 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 [Texas Government Code 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. [Texas Government Code, Sec. 2262.004\(a\)\(2\)](#)

**"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 copy of this form should be submitted to the administrative head of the state agency. Do not submit this form to the State Auditor's Office.
4. A new or amended form must be promptly filed with the administrative head of the agency whenever there is new information to report under [Texas Government Code, Section 2262.004](#).

### PART 1: CONTRACT INFORMATION

Name of state agency: Texas State University Contract # or Procurement: \_\_\_\_\_

Name of business entity being considered for award of major contract: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Phone: \_\_\_\_\_

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## PART 2: PURCHASING PERSONNEL DISCLOSURES

Printed Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

1. 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?

No Yes If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

2. Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of at least \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business entity that is related within a degree described by [Government Code, Section 573.002](#)?

No Yes If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my knowledge. I acknowledge my responsibility to submit promptly a new or amended disclosure statement to the party listed in step 3 of the instructions if any of the above information changes.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## PART 2: PURCHASING PERSONNEL DISCLOSURES

Printed Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

1. 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?

No Yes If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

2. Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of at least \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business entity that is related within a degree described by [Government Code, Section 573.002](#)?

No Yes If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my knowledge. I acknowledge my responsibility to submit promptly a new or amended disclosure statement to the party listed in step 3 of the instructions if any of the above information changes.

Signature \_\_\_\_\_ Date \_\_\_\_\_

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## PART 2: PURCHASING PERSONNEL DISCLOSURES

Printed Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

1. 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?

No            Yes            If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

2. Do you have a relationship with an employee, a partner, a major stockholder, a paid consultant with a contract of at least \$25,000 with the business entity under consideration for an award of a major contract, or other owner of the business entity that is related within a degree described by [Government Code, Section 573.002](#)?

No            Yes            If yes, please explain in detail the nature of such relationships. (Attach additional sheets if needed.)

I hereby attest that all information provided above in questions 1 and 2 are complete and accurate to the best of my knowledge. I acknowledge my responsibility to submit promptly a new or amended disclosure statement to the party listed in step 3 of the instructions if any of the above information changes.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## State Agency Uniform Nepotism Disclosure Form

### PART 3: SIGNATURE AND DATE

I hereby acknowledge receipt of the State Agency uniform nepotism Disclosure Form signed by the purchasing personnel indicated above.

Administrative Head of Agency Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Printed Name: Dan Alden