CONTRACT MONITORING

SECTION 1 – RISK ASSESSMENT WORKSHEET – Required for Contracts >$1M

TSUS Marketplace Contract Number: ____________________________ **Contract Amount:** ____________________

Vendor Name: ____ **SAP Vendor #:** _______________________

Department Contract Manager (CM) Information	
Name:	**Department:**
NetID:	**Phone:**
Note: The person in the Contract Manager (CM) role is a department individual that is responsible for performing and/or coordinating contract monitoring activities for the duration of the contract term. The Procurement Office will assign a staff member to act as the Contract Developer (CD). These are roles and not job titles and are a part of the assigned individual's overall job responsibilities.	

Risk Factors	No	Yes	
	(L)	(M)	(H)
Is the amount of the contract ≥ $2M? (Select "Yes – H" if value is higher than $5M)			
Are there Statement of Work (SOW) deliverables to track during the term? (Select "Yes - H" if deliverables are non-specific)			
Is the contract term longer than 5 years? (Select "Yes – H" if longer than 5 years)			
Will prepayment or progress payments be made? (Select "Yes" or "No")			
Does the contract include subcontracting activity? (Select "Yes" or "No")			
Are there concerns regarding intellectual property? (Select "Yes" or "No")			
Are there concerns regarding cyber / data security? (Select "Yes" or "No")			
Are there concerns regarding Electronic & Information Resources (EIR) accessibility? (Select "Yes" if an Exception was granted)			
Does this contract include the purchase, use, or development of a system that will access, collect, store, process, transmit, or otherwise use confidential or sensitive data (e.g., personally identifiable, protected health, or other protected data)? (Select "Yes" or "No")			
Does this contract present any potential risks or concerns related to safety or security of students, faculty, staff, visitors, or university facilities/buildings? (Select "Yes" or "No")			
Does this involve EHSREM considerations, including but not limited to hazardous materials, chemicals, biological agents, radioactive materials, lasers, drones (including drone shows), specialized laboratory equipment, or other activities or equipment that may present health, safety, environmental, or operational risks? (Select "Yes" or "No")			
Other potential risks, comments:			

Risk Level Determination:
The high-level risk criteria noted in this section are a guide; however, context-specific factors or mitigating circumstances may warrant a higher or lower rating based on the professional judgement of the procurement office.

Monitoring Plan (see Section 3):
- ☐ Low (L): Routine Monitoring
- ☐ Medium (M): Routine Monitoring
- ☐ High (H): Enhanced Monitoring (required)

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SECTION 2 – CONTRACT MANAGEMENT RESPONSIBILITIES

A Contract Manager needs to have a proficient understanding of the contract provisions, the ability to communicate contract obligations to all parties involved and maintain control over the contract performance.

The Contract Manager should monitor that contract requirements are satisfied, that goods or services are delivered in a timely manner, and that the financial interests of the Institution are protected.

A. Contract Manager Responsibilities

The primary post-award responsibilities of the Contract Manager (from the requesting department) may include, but are not limited to:

- Serving as the point of contact for disseminating instructions regarding the SOW to the vendor.
- Receiving and responding to communications between the Institution and a vendor.
- Establishing scope of authority, clear lines of communication and reporting, and identify specific individual(s) who will interact directly with a vendor.
- Managing Institution assets used in contract performance.
- Providing access to Institution facilities, equipment, data, personnel, materials, and information as required.
- Identifying, documenting, and resolving minor disputes with a vendor in a timely manner.
- Implementing quality control and assurance process.
- Maintaining appropriate documentation as required by the applicable retention guidelines.
- Documenting significant events including deficiencies, deliverables, and milestones.
- Monitoring the vendor's progress and performance to confirm goods or services conform to the contract requirements.
- Inspecting and approving the final goods or services are received, providing any required documentation of acceptance, and ensuring Goods/Services receipts are completed on the Purchase Order (PO).
- Monitoring budgets to verify sufficient funds are available for the duration of the contract.
- Monitoring contractual terms and conditions, including renewal, expiration, and required notification dates.
- Authorizing payments consistent with the contract documents and in accordance with Institutional operating policies and procedures.
- Performing contract close-out responsibilities, including verifying that all deliverables, payments, and contractual obligations have been satisfied through completion of the FS-07 Contract Close-out Form.

Contract Managers are **not** authorized to:

1. Instruct a vendor to begin work or provide goods/services prior to full execution of the contract, receipt of any required bonds, insurance, certifications, or other contractual requirements, or prior to encumbering funds through a requisition and issuance of a PO.
2. Alter the scope or terms of the contract without a formal contract amendment processed through the TSUS Marketplace.
3. Approve changes to the VetHUB Subcontracting Plan or approve substitutions/additions of subcontractors without written approval from Procurement Staff, and receipt of required PAR's.
4. Extend the term of the contract without execution of a formal contract amendment processed through the TSUS Marketplace.
5. Allow the vendor to incur obligations, perform work, or provide goods/services outside the approved scope of the contract.

B. Procurement Staff Responsibilities

Certain administrative tasks related to contract management will be performed by designated Procurement Staff, typically the Contract Developer, who will provide guidance, support, and oversight to the Contract Manager throughout the term of the contract. The primary post-award responsibilities may include, but are not limited to:

- Consult with Office of General Counsel (OGC) to address legal concerns, risks, or contract-related issues.
- Receiving, reviewing, and responding to formal contract negotiations between the Institution and the vendor.
- Managing, approving, and documenting contract changes through the appropriate amendment process.
- Documenting and assisting with the timely resolution of vendor disputes or performance issues.
- Establishing and maintaining control of contract-related correspondence, data, reports, and records.
- Coordinating with the Contract Manager to ensure key contract documentation is maintained in the contract file for the required retention period.
- Providing notices and exercising contractual remedies, as appropriate, when vendor performance is deficient, in consultation with OGC.
- Providing oversight of the contract close-out process to properly document in the TSUS Marketplace.

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SECTION 3 – MONITORING PLAN

Monitoring Plan (as determined in Section 1 Risk Assessment Worksheet)
Note: All email correspondence from the CM to the CD should include the TSUS Marketplace Contract Number in the subject line. Send all email correspondence related to contract to the CD and contracts@txstate.edu.

☐ **Routine Monitoring Plan:**

1. Financial Provisions & Delivery Schedules
   - CM will review and approve invoices prior to payment.
   - CM will verify the cost charged is accurate.
   - CM will monitor compliance with delivery schedule.
   - CM will notify CD of any contract-related issues that cannot be resolved. If it is determined that the vendor's performance is not satisfactory, a corrective action plan will be issued by the CD.
   - CM and CD will monitor signs of fraud, abuse, or waste in accordance with this plan.
   - CM will work with CD to maintain a file of all key communications with the vendor related to contract performance.
   - CD will issue any Amendment or renewal prior to expiration of contract term, if applicable.
   - CM will verify VetHUB Subcontracting and Progress Activity Reports (PARs) that are related to subcontracting are included with each invoice, if applicable.
   - CM shall complete the FS-07 Contract Close-out Form for all Contracts of $1,000,000 and greater at the conclusion of the contract once Accounts Payables has posted the final invoice.

☐ **Enhanced Contract Monitoring:**

1. The items below are in addition to the items required in Routine Monitoring Plan.
2. A contract kick-off call/meeting may be conducted to review contract requirements, risks and the contract monitoring plan.
   - (For guidance, see Appendix 27 from the Comptrollers Procurement and Contract Management Guide).

3. Parties (CM and Vendor) will determine the need / frequency of periodic contract reviews that may include:
   - Provision of progress reports/updates to CM by vendor
   - Site Visits
   - Desk Reviews by CM:
     - verification that contract spend is within contract limits,
     - verification that items / services meet specifications, and
     - notifying CD if the department is not satisfied with vendor's performance

List any additional monitoring requirements specific to the contract (CM to provide in detail):

By signing below, I acknowledge that, upon full execution of the contract, I am responsible for performing and documenting all routine and/or enhanced contract monitoring activities identified in this document. I understand that supporting documentation must be maintained in accordance with these requirements and provided upon request for review or audit purposes.

Contract Manager (CM - Department Stakeholder)

Name	**Signature**
Title	**Date**

CONTRACT MONITORING

SECTION 4 – REPORTING & COMPLIANCE

Contract Developer confirms the following items have been completed:

1) **Form 1295 – Certificate of Interested Parties:**
   - Verify that the Form has been completed and signed by the vendor.
   - Acknowledged the Form in the Texas Ethics Commission system https://www.ethics.state.tx.us/filinginfo/1295/
   - Attached both the signed and acknowledged certificates in the **Internal Only** section of the **Attachments tab** within the contract file.
2) **LBB Attestation Letter completed** (required per Article IX, Section 7.12 of the General Appropriations Act)
   - Required for emergency or non-competitive bid contracts with a value greater than $1M, and for all contracts ≥$10M.
   - Submit the completed and signed letter to hub@txstate.edu upon contract execution.
   - Reporting requirement: A state entity must submit the letter prior to the date on which the first payment under the contract will be made, but no later than 30 calendar days after the date on which the contract is awarded; or within 48 hours of making such a payment if the contract or purchase order was made as a result of an emergency or following an emergency procedure allowed by statute.
3) **Debarment Certification - Senate Bill 20 (84th Legislature)**
   Not earlier than the seventh day before and not later than the date of entering into the contract, CD shall verify the vendor is in good standing and eligible to receive the contract from the following:
   A. **Debarment Check**: Institutions may not award a contract to a vendor that has been debarred by SPD. Procurement Staff shall check the debarred vendor list posted on the SPD website.
   B. The following documents must be attached to the **Internal Only** section of the **Attachments tab** within the contract file.
   - SAM.gov (federal database): https://usfcr.com/search-federal-contracts/
   - Texas Debarment: https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php
   - Warrant/Payment Hold: Seach SAP TCode XK03 Displace Vendor (centrally)
     - Go to fifth tab to search Payment Block
     - If “S” Blocked by State Comp., then TXST is unable to proceed with the contract, vendor is on hold with the State Comptroller.
   - Franchise Tax: https://mycpa.cpa.state.tx.us/coa/
   - Scrutinized Companies in Countries of Concern (XLSX)
   - Chinese-affiliated Entities (XLSX)
   - Designated Foreign Terrorist Organizations (XLSX)

   If the vendor search results indicate “No vendor found,” save a copy of the search results as documentation/proof that the vendor was not identified and attach the supporting documentation to the requisition for audit purposes.

   C. The following debarment checks are completed by PaymentWorks daily.
   - Companies that Boycott Israel (XLSX)
   - https://sanctionssearch.ofac.treas.gov/ Office of Foreign Assets Control (OFAC) Sanctions List
   - Financial Companies that Boycott Energy Companies (XLSX)
   - Scrutinized Companies with ties to Foreign Terrorist Organizations (XLSX)
   - Scrutinized Companies with Ties to Iran (XLSX)
   - Scrutinized Companies with Ties to Sudan (XLSX)
4) **Office of General Counsel (OGC)** has reviewed the agreement.
5) For contracts valued at $1 million or more, the Contract Developer must notify the Director of Procurement of any issues or concerns regarding the vendor's compliance with financial provisions or delivery schedules, corrective action plan requirements, or the assessment of liquidated damages. Such matters must be reported to the Institution's CFO (or designee), as required.
6) You will close-out the contract once the CM provides the FS-07 Contract Close-out Form.

By signing below, I certify that the applicable requirements in this document have been completed prior to contract execution. I acknowledge my responsibility to provide procurement oversight and assist the Contract Manager and department with the routine and/or enhanced contract monitoring requirements identified herein.

Contract Developer (CD – Procurement Staff):

Name	**Signature**
Title	**Date**

CONTRACT MONITORING

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 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. 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 (754) **Contract #:** ____________________________________

Name of business entity being considered for award of major contract: ____

City: ____________________________ **State:** ____________________ **ZIP:** ____________________ **Phone:** __________________________

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 promptly submit 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**

CONTRACT MONITORING

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 promptly submit 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 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

____ __________________

Printed Name: Dan Alden (or designated delegate) **Date**