



AgriLife Contract Office

May 13, 2014
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Contracts Processed by Contract Office

- Hotel and Facility Contracts
- Independent Contractor Approval (AG-106)
- Interagency/Intrasystem/Interlocal Contracts
- Material Transfer Agreements (Incoming)
- Memorandum of Agreement (MOAs)
- Memorandum of Understanding (MOUs)
- Non-Disclosure/Confidentiality Agreements (NDAs)
- Lease of System Property
- Lease of Third-Party Housing Facilities for Agency Employees
- Loan/Lease of Equipment or Animals
- Service or Maintenance Agreements (includes services by AgriLife)
- Unfunded Collaborative Research Agreements (no funds involved)

Hotel & Facility Agreements

REMINDERS:

- As an agency of the State of Texas, we do not complete Direct Bill Applications
 - **We do not provide credit references**
- Please do not sign/fill out Direct Bill Applications
- Contract Office is not authorized to complete/obtain signature on Direct Bill Applications
- Contract Office can provide you with a "Direct Bill Letter" to help open a master account

Hotel & Facility Agreements
MASTER ACCOUNT:

- If any part of your event needs to be billed to a master account, please work with hotel and determine payment options
 - We cannot prepay for goods or services
 - Partial deposit OK
- Best options:
 - Have hotel invoice department after the event (payment of invoice due 30 days after receipt)
 - Use department credit card at conclusion of event to pay master account balance (limit \$10,000) [or day of event]

Independent Contractor Approval (AG-106)
REMINDERS:

- New limit on purchasing by departments
 - Up to and including **\$10,000**
- New limit applies to Independent Contractors
- No sole source required if payment to independent contractor within a fiscal year totals \$10,000 or less
- Submit AG-106 to Contract Office for approval before work starts

**Visiting
Scholars/Researchers**
•••
Non-Employee Will Use AgriLife's Labs/Facilities

Visiting Scholar/Researcher

- If non-System employee will be present in your lab or at an AgriLife facility and will be conducting or assisting with research – Contact the Contract Office to obtain a Visiting Scholar Agreement
 - Visiting researcher/student from another university (or research institute)
 - U.S.
 - Non-U.S./Foreigner
 - Scientist that works for a company
 - Duration of stay is not a determining factor regarding whether or not a written agreement is necessary.

Visiting Scholar/Researcher

- **Why a written visiting scholar agreement is needed:**
 - Document duration of scholar's stay
 - Document visiting scholar's responsibilities for personal costs
 - Document any payment that will be owed by scholar or his employer to AgriLife (e.g. reimbursement for lab supplies; bench fee)
 - Document responsibilities of visiting scholar (e.g. comply with System rules/policies, etc.)
 - Protect AgriLife confidential/proprietary information
 - Identify visiting scholar's rights with regard to research data and any intellectual property that may be developed
 - Advise visiting scholar of risks and obtain his acceptance of such risks

Visiting Scholar/Researcher

- **Other requirements by HR/Risk & Compliance**
 - AG-713/5VS Form ("Approval of Visitor Exchange Program")
 - Restricted Party Screening (foreign citizens only)
 - See AgriLife Research Procedure **15.99.99.A0.01** "International Visitors"
- **Contract Office working with OGC on form agreement**

Service Agreements:
AgriLife Providing a Service
 ...
 Service for Flat Fee – No Budget/IDC involved

AgriLife Providing Service

- It is recommended that you obtain a contract to document any services AgriLife will provide to a third party
- **Reasons:**
 - Document payment/benefit AgriLife will receive in return for service (collection issues)
 - Clearly set out responsibilities of AgriLife
 - What exactly are we supposed to do?
 - What exactly are the expected deliverables?
 - Identify responsibilities of the third-party (if any)
 - Identify and document other terms and conditions
 - Example: IP rights, publication rights, data ownership, warranties/guaranties

AgriLife Providing Service

- There is no "one form fits all"
- If there are re-occurring services (example: Lab) we can prepare a form/fillable agreement
- Information we need to prepare a Service Agreement:
 - Scope of Service & Deliverables
 - Payment information – amount and timing
 - Customer information – name, billing address
 - Deliverable due date, or term of contract
 - Information regarding customer responsibilities, if any

Service Agreements:
Web & Mobile App Design
 ...
 AgriLife hiring outside vendor to design web page or mobile app.

Web & Mobile App Design Services

- Web designer may or may not provide a written agreement
 - Either way, please contact the Contract Office
- Purchase of web or app design should be documented by a written agreement
- **If over \$10,000 – must contact Purchasing** (biddable service **or** use DIR approved vendor)
 - Don't just consider original scope of work
 - If charges beyond original estimate are incurred and total exceeds \$10,000 = non-compliant purchase

Web & Mobile App Design:
Why is a written agreement needed?
 ...
 The following are included in a proper design agreement:

Web & Mobile App Design Services

- **Deliverables** – What will be done/delivered to AgriLife upon completion of service?
 - SOURCE CODE & FILES – must be a part of deliverables
 - On what devices/browsers will this work?
- **Ownership** – AgriLife must be the owner of all code, software, information, images, etc. (all code/files to be delivered upon completion)
 - Needed in order to update
 - Needed so that someone else is not able to use same material/app (developer cannot re-sell to someone else)
 - Needed so there is no infringement on third-party
- **Deadline** – When will the deliverables be provided? (may or may not be very important)

Web & Mobile App Design Services

- **Payment** – Lump sum or multiple payments?
 - Different fee structures: Flat fee; Hourly fee; Fee for initial work but additional fee for further revisions/additions
 - REMINDER: *** CANNOT PREPAY FOR SERVICES *****
- **Termination** – What happens if developer is not meeting deadlines or performing satisfactory work?
- **Performance** – What happens if site/app has issues/does not function properly after delivery?
- **EIR Compliance** – Design and end product must be EIR compliant
 - Required for all state agencies
 - Developer may or may not be familiar with this requirement

What is EIR Compliance?

- **Access by individuals with disabilities** (not just mobility, but also hearing, seeing, medical disabilities)
 - Examples:**
 - Deaf/hearing impaired
 - Color blind/seeing impaired
 - Epilepsy
- If a video is contained – can a hearing impaired person view and understand?
- Colorblind person may not see certain colors on screen/may not be able to follow color related directions
- Font size/type requirements for vision impaired persons
- If a “flash” is contained on site/app – may cause seizure

EIR Compliance

- EIR compliance applies whether or not end product is to be used by the public
 - Applies even if to be used for internal purposes/by AgriLife employees only
- All web pages/apps must be EIR compliant - otherwise, AgriLife cannot use the web page/app

Material Transfer Agreements: (Incoming Materials)

AgriLife PI is receiving materials from a third-party

Material Transfer Agreement (Incoming)

- AgriLife PI is receiving materials from another entity
- Documents needed by the Contract Office
 - Material Request Form
 - Material Transfer Agreement (MTA)
- Contract Office will work directly with Risk & Compliance to verify there are no export control issues and that all required biosafety permits (if any) are in place
- Contract Office will work directly with material provider to revise MTA terms if needed

Material Request Form (AG-125)

AG-125
Material Request Form
Request Information
Request Details
Requester Information

AG-125
Requester Information
Request Details
Requester Information

Material Request Form (AG-125) Available on Admin Services Web Site



Material Transfer Agreement (Outgoing)

- AgriLife PI receives a request to provide materials to another entity
- Contact Office of Technology Commercialization
 - o Janie Hurley
 - o Robert Brummett
- TTC will verify that AgriLife is the owner of the materials/can in fact provide them to others
- Following verification TTC may process outgoing MTA or refer it to the Contract Office (depends on recipient and material)

Other Material Transfer Instances:

- Materials being provided by a third-party but third-party is not requiring a signed MTA before it provides the materials
- Third-party is requesting NDA/ Disclosure Agreement be signed instead of MTA (wants materials or information regarding materials kept confidential)
- Collaborative research agreements where parties will exchange materials as part of their collaboration.

Please fill out AG-125 and forward to Contracts

Thank You

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Contract Office

Email: contracts@aq.tamu.edu

<http://agriflifeas.tamu.edu/co/>
