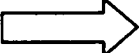
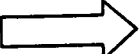


## CONTRACT PROVISIONS CHECKLIST

Type	Examples	
<p><b>Standard Contract Provisions</b></p> <div style="display: flex; justify-content: space-around; margin-top: 20px;">   </div>	<ul style="list-style-type: none"> <li>• Governing Laws of the State, county, and/or Federal under whose purview the contract will be governed</li> <li>• Agreement Duration of the start and end periods of the contract and possible extensions</li> <li>• Document Incorporation and Order of Precedence (i.e., Controlling Order)</li> <li>• Scope of Contract—Summary of Statement of Work</li> <li>• Contract Amendment Provisions</li> <li>• Subcontracting Provisions</li> <li>• Interpretation and Disputes</li> <li>• Contractor Hold Harmless Clause</li> <li>• Force Majeure</li> <li>• Record Retention</li> <li>• Reporting Requirements</li> <li>• Confidentiality Provisions</li> <li>• Affirmative Action Provisions</li> <li>• Indemnification Provisions of Patents and Copyrights</li> <li>• Limitation of Liability Clause</li> <li>• Ownership of Materials Provisions</li> <li>• Jointly Developed Materials Provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Key Personnel Provision</li> <li>• Termination Provisions</li> <li>• System Acceptance Criteria</li> <li>• System Warranty Provisions</li> <li>• Maintenance Provisions</li> <li>• Payment Provisions</li> <li>• Charges to be reported by contractors to the State agency</li> <li>• Liquidated Damages</li> <li>• Notice Provisions</li> <li>• Quality Assurance Provision</li> <li>• Risk of Loss or Damage Provision</li> <li>• Ownership of Source Code Provision</li> <li>• Specifications (Statement of Work)</li> <li>• Training Provisions</li> <li>• Out-of-Scope Services</li> <li>• Contractor Bond Provisions (for action as an irrevocable Letter of Credit)</li> </ul>
<p><b>FNS-Required Provisions</b></p>	<ul style="list-style-type: none"> <li>• Compliance with Executive Order 11246 related to "Equal Employment Opportunity"</li> <li>• Compliance with the Copeland "Anti-Kickback Act" (18 U.S.C. 874)</li> <li>• Compliance with Section 306 of the Clean Air Act</li> <li>• Compliance with Section 308 of the Clean Water Act</li> <li>• Compliance with the Anti-Lobbying Act</li> <li>• Compliance with debarment (suspension) requirements</li> <li>• FNS has royalty-free rights to use software and documentation developed</li> </ul>	
<p><b>Commonly Found Provisions</b></p>	<ul style="list-style-type: none"> <li>• Executory Clause</li> <li>• Nonassignment Clause</li> <li>• Comptroller's Approval</li> <li>• Workers' Compensation Benefits</li> <li>• Wage and Hours Provisions</li> <li>• International Boycott Prohibition</li> <li>• Off-Set Rights</li> <li>• Insurance Provisions</li> <li>• Conflict of Interest</li> </ul>	<ul style="list-style-type: none"> <li>• Fair Practices</li> <li>• Antitrust</li> <li>• Publicity</li> <li>• Reduction of Federal or State Funding</li> <li>• Penalty Clause</li> </ul>