



## **Contract Advisory Team (CAT)**

### **Solicitation Points of Review**

- Review from a contract management/business perspective
- Not a legal review. Review is not intended to provide legal advice to agencies. Some agencies have additional statutory requirements regarding contracting. Agencies must consult agency legal counsel for applicable rules of law.
- Is there a sufficiently detailed description of what is required of the contractor to satisfactorily perform the work?
- Is there a description for each deliverable? (Quantity, Frequency, Location)
- Is there a standard for performance?
- Is there a method, procedure, or test condition to verify that each deliverable meets the standard?
- Is there an acceptance process for each deliverable?
- Is the compensation structure consistent with the type and value of work performed?
- Is there a contractual remedy, if appropriate?
- Is there a reasonable contract term with a specific end date? (CMG recommends a maximum term of four years unless specific business needs require a longer term)
- Is there a process for managing changes to the contract?
- Are HUB requirements included, if appropriate?
- Are Insurance requirements included, if appropriate?
- Are the contractor qualifications, contractor experience, and financial capability specified?
- Are the evaluation criteria specified, appropriate, and weighted properly?
- Is the solicitation process specified? (Timeline, proposal submission requirements, discussion/negotiation, form of the contract, mandatory/non-mandatory pre-proposal conference)
- Are essential contract clauses and provisions included?
  - Funding Out Clause
  - Antitrust

- Dispute Resolution
- Indemnification/Damage Claims
- Abandonment or Default
- Right to Audit
- Force Majeure
- Ownership/Intellectual Property, including Rights to Data, Documents, and Computer Software
- Payment
- Affirmation Clauses
- Independent Contractor
- Termination
- Buy Texas
- Are other recommended clauses included?
  - Notice
  - Order Precedence
  - Patents and Copyrights
  - Assignment
  - Proprietary Information
  - Confidential Information
  - Substitutions
  - Taxes
  - Public Disclosure
  - Security/Parking Access
  - Smoking Policy
  - Drug Free Workplace Policy