

## Contract Terms

During the development of the formal contract, devote careful attention to the details. There are certain clauses that are essential and some that should be included in all contracts. See **Appendix 9** for examples of contract terms. Please consult with your agency's legal counsel regarding any questions related to the applicability of contract terms because some agencies have additional statutory requirements regarding contracting.

### Essential Clauses and provisions:

- Introduction
- Scope of Work
- Indemnification/Damage Claims
- Price
- Specifications
- Funding Out Clause
- Antitrust
- Payment
- Affirmation Clauses
- Technology Access Clause
- Dispute Resolution
- Term of Contract
- Confidential Information
- Abandonment or Default
- Right to Audit
- Force Majeure
- Ownership/Intellectual Property, including Rights to Data, Documents and Computer Software
- Independent Contractor
- Termination
- Buy Texas

Other clauses are recommended for contract inclusion depending on contract specifics.

### Recommended Clauses include:

- Notice
- Drug Free Workplace Policy
- Order Precedence
- Patents and Copyrights
- Assignment

- Insurance**
- Propriety Information**
- Substitutions**
- Taxes**
- Public Disclosure**
- Security/Parking Access**
- Smoking Policy**