

**Appendix A Revision List  
For Product and Related Services Contract (5/02/14)**

The last revision of Appendix A, Standard Terms and Conditions for **Product and Related Services Contract**, was dated **08/09/2013**. By using the current version (dated **05/02/2014**) in the amendment process, the need to identify Authorized Exceptions to Appendix A in the current contract is eliminated.

Below are all changes that have occurred between the two versions. **The list below is solely for reference, you will need to cross reference the APPENDIX A CHANGES SINCE 8/09/13 TO 05/02/2014 (CURRENT).**

Revision Date	Description
5/2/14	<ul style="list-style-type: none"> <li>• Section 8. Pricing, Purchase Orders, Invoices and Payments, I. Payments, is updated by inserting “calendar”</li> <li>• Section 9. Contract Administration. B. Reporting and Administrative Fees, 2) Detailed Monthly Report is restated.</li> <li>• Section 9. Contract Administration. B. Reporting and Administrative Fees, 4) DIR Administrative Fee, a) is updated by inserting “calendar”</li> <li>• Section 9. Contract Administration, C. Records and Audit, 3) is updated by inserting “calendar”</li> <li>• Section 10. Vendor Responsibilities, N. Required Insurance Coverage is updated by inserting “business”</li> </ul>
4/24/14	Update Section 10. Vendor Responsibilities, C. Vendor Certifications xvi added
2/13/14	<p>Updates to Appendix A are non-substantive changes and are for grammar and punctuation purposes only.</p> <ul style="list-style-type: none"> <li>- Text change from ‘Texas’ to ‘State’;</li> <li>- Text change from ‘term or condition’ to ‘terms or conditions’;</li> <li>- Text change from ‘Texas Department of Information Resources’ to ‘DIR’;</li> <li>- Text change from ‘their’ to ‘Vendor’s’;</li> <li>- Text change from ‘Customer’s Location’ to ‘customer’s location’;</li> <li>- Text change from ‘contractor’ to ‘Vendor’; and,</li> <li>- Capitalization change from ‘ET SEQ’ to ‘et seq’</li> <li>- Text changed from “Days” to “Calendars Days”</li> </ul> <p>Due to updates in Sections 5-12, the sections are re-numbered and retitled.</p> <p>UPDATES to APPENDIX A</p> <ul style="list-style-type: none"> <li>• Section 3. Definitions, E. Day</li> <li>• Section 4. General Provisions, D. Assignment</li> <li>• Section 4. General Provisions, E. Survival</li> <li>• Section 4. General Provisions, H. Proof of Financial Stability – New Section Added</li> <li>• Section 5. Intellectual Property Matters – New Section Added (formerly in Contract template)</li> <li>• Section 6. Product Terms and Conditions, B. Purchase of Commodity Items (Applicable to State Agency Purchases Only), 1)</li> <li>• Section 7. Contract Fulfillment and Promotion, B. Use of Order Fulfillers, 3) Order Fulfiller Pricing to Customer</li> </ul>

- Section 7. Contract Fulfillment and Promotions, E. Internet Access to Contract and Pricing Information, 1) Vendor Website
- Section 7. Contract Fulfillment and Promotions, E. Internet Access to Contract and Pricing Information, 3) Website Compliance Checks
- Section 7. Contract Fulfillment and Promotions, E. Internet Access to Contract and Pricing Information, 4) Website Changes
- Section 7. Contract Fulfillment and Promotions, I. Orientation Meeting
- Section 7. Contract Fulfillment and Promotions, J. Performance Review Meetings
- Section 8. Pricing, Purchase Orders, Invoices and Payments, Sections A – I are added as follows (formerly in Contract template):
  - A. Manufacturer’s Suggested Retail Price (MSRP) or List Price
  - B. Customer Discount
  - C. Shipping and Handling Fees
  - D. Tax-Exempt
  - E. Travel Expense Reimbursement
  - F. Changes to Prices
  - G. Purchase Orders
  - H. Invoices
  - I. Payments
- Section 8. Pricing, Purchase Orders, Invoices and Payments, Section H. 3) is added
- Section 9. Contract Administration, A. Contract Administrators changed to Contract Managers
- Section 9. Contract Administration, A. Contract Managers, 1) State Contract and 2) Vendor Contract
- Section 9. Contract Administration, B. Reporting and Administrative Fees, 2) Detailed Monthly Report
- Section 9. Contract Administration, B. Reporting and Administrative Fees, 4) DIR Administrative Fee, b)
- Section 9. Contract Administration, B. Reporting and Administrative Fees, 5) Accurate and Timely Submission of Reports, c)
- Section 9. Contract Administration, C. Records and Audit, 1)
- Section 9. Contract Administration, C. Records and Audit, 2)
- Section 10. Vendor Responsibilities, C. Vendor Certifications, (vii)
- Section 10. Vendor Responsibilities, C. Vendor Certifications, (viii) through (xv) renumbered
- Section 10. Vendor Responsibilities, K. Limitation of Liability
- Section 10. Vendor Responsibilities, N. Required Insurance Coverage
- Section 10. Vendor Responsibilities, N. Required Insurance Coverage, 1) Commercial General Liability
- Section 10. Vendor Responsibilities, N. Required Insurance Coverage, 2) Workers’ Compensation Insurance
- Section 10. Vendor Responsibilities, O. Use of State Property
- Section 10. Vendor Responsibilities, T. Deceptive Trade Practices; Unfair Business Practices a) and b) renumbered to 1) and 2) respectively
- Section 10. Vendor Responsibilities, V. Accessibility of Public Information- New Section Added
- Section 10. Vendor Responsibilities, W. Vendor Reporting Requirements- New Section Added
- Section 11. Contract Enforcement, A. Enforcement of Contract and Dispute Resolution, 3) - Item 3 Added

	<ul style="list-style-type: none"> <li>Section 11. Contract Enforcement, B. Termination, 3) Termination for Convenience</li> </ul>
8/9/2013	<ul style="list-style-type: none"> <li>Appendix A, Section 9. Vendor Responsibilities A. Indemnification, Items 1 – 3 are restated</li> <li>Appendix A, Section 9. Vendor Responsibilities B. Taxes/Worker’s Compensation/UNEMPLOYMENT INSURANCE is restated</li> </ul>
12/17/2012	<ul style="list-style-type: none"> <li>Appendix A, Section 8. Contract Administration, B. Reporting and Administrative Fees, 2) Detailed Monthly Report – added manufacturer’s suggested retail price</li> <li>Appendix A, Section 10. Contract Enforcement, B. Termination, 4) Termination for Cause, b) Purchase Order – a reference to 4B2 was changed for 10B2 referring to Absolute Right, which moved.</li> </ul>
06/08/2012	<ul style="list-style-type: none"> <li>Appendix A, Section 4. General Provisions, B. Modification of Contract Terms and/or Amendments was updated</li> <li>Appendix A, Section 4. General Provisions, E. Survival was updated</li> <li>Appendix A, Section 8. Contract Administration; B. Reporting and Administrative Fees 4) DIR Administrative Fee was updated</li> <li>Appendix A, Section 8. Contract Administration, B. Reporting and Administrative Fees 5) c) Accurate and Timely Submission of Reports was added</li> <li>Appendix A, Section 9. Vendor Responsibilities, C. Vendor Certifications was updated</li> <li>Appendix A, Section 9. Vendor Responsibilities, D. Ability to Conduct Business in Texas was updated</li> <li>Appendix A, Section 9. Vendor Responsibilities, P. Immigration was updated</li> <li>Appendix A, Section 9. Vendor Responsibilities, U. Drug Free Workplace Policy was added</li> <li>Appendix A, Section 10. Contract Enforcement B. Termination 3) Termination for Convenience was updated</li> </ul>
10/27/2011	<ul style="list-style-type: none"> <li>Appendix A, Section 5A was updated in regards to the accessibility language</li> <li>Appendix A, Added Section 10B2, Termination for Non-Appropriation by DIR, to address any case where DIR loses funding and needs to terminate.</li> </ul>
07/22/2011	<ul style="list-style-type: none"> <li>Appendix A, Section 9. Vendor Responsibilities, T. Deceptive Trade Practices; Unfair Business Practices. For Services, it is Section 7. Vendor Responsibilities, U. Deceptive Trade Practices; Unfair Business Practices. <a href="http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.17.htm">http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.17.htm</a></li> </ul>
01/24/2011	<ul style="list-style-type: none"> <li>Appendix A, Section 8.b.5. Language added to clarify that vendor will pay for cost of audit.</li> <li>Appendix A, Section 9C, Vendor Certifications. Updated to include restriction on lobbying expenditures.</li> <li>Appendix A, Vendor Certifications provision update: Vendor and Subcontractor Current and Former State Employee Disclosures in Texas Local Government Code, Chapter 176 found here: <a href="http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm">http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm</a></li> <li>Appendix A, Section 9.G.2. Section broken into two sentences for clarification.</li> <li>Appendix A, Section 9, Vendor Responsibilities, P. Immigration. Language updated. (Illegal Immigration Reform and Immigration Responsibility Act of 1996: <a href="http://thomas.loc.gov/cgi-bin/bdquery/z?d099:H.R.3810">http://thomas.loc.gov/cgi-bin/bdquery/z?d099:H.R.3810</a>)</li> </ul>

	<ul style="list-style-type: none"> <li>Appendix A, Section 10.B.4.b. Termination for Cause. Language updated. Termination for Cause: Updates consist of proper protocol and compliance with Texas Government Code 2260 regarding dispute resolution in the State of Texas. (<a href="http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2260.htm">http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2260.htm</a>)</li> </ul>
01/12/2011	<ul style="list-style-type: none"> <li>new section 5C to address the Vulnerability Testing of Network Hardware and Software As Required by 1 TAC Chapter 217.12.</li> </ul>
07/22/2010	<ul style="list-style-type: none"> <li>NEW Secure Erasure of Hard Disk Products and/or Services (Section 9.S. – Products, Section 7.T. – Services, and Section 9.R. Training) (Secure erasure requirement in 1 TAC 202 found here: <a href="http://info.sos.state.tx.us/pls/pub/readtac\$ext.TacPage?sl=R&amp;app=9&amp;p_dir=&amp;p_rloc=&amp;p_tloc=&amp;p_ploc=&amp;pg=1&amp;p_tac=&amp;ti=1&amp;pt=10&amp;ch=202&amp;rl=28">http://info.sos.state.tx.us/pls/pub/readtac\$ext.TacPage?sl=R&amp;app=9&amp;p_dir=&amp;p_rloc=&amp;p_tloc=&amp;p_ploc=&amp;pg=1&amp;p_tac=&amp;ti=1&amp;pt=10&amp;ch=202&amp;rl=28</a>)</li> </ul>
07/14/2010	<ul style="list-style-type: none"> <li>Termination for Non-Appropriation – language updated to include budget execution. See Products, Section 10.B.1) (iii) /Training, Section 10.B.1) (iii) /Services, Section 8.B.1) (iii). Termination for Non-Appropriation – Texas Government Code 317: <a href="http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.317.htm">http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.317.htm</a></li> </ul>
06/29/2010	<ul style="list-style-type: none"> <li>Vendor Certifications – disclosure language updated to limit identifying employees to 5 years and working 20% or more on the contract. See updates in Products, Section 9.C.(xii) / Training, Section 9.C.(xi) / Services, Section 7.C.(xi).</li> <li>Termination for Non-Appropriation – language updated to include budget escalation. See Products, Section 10.B.1) (iii) /Training, Section 10.B.1) (iii) /Services, Section 8.B.1) (iii).</li> </ul>
05/19/2010	<ul style="list-style-type: none"> <li>Vendor Certifications – language updated to require disclosure of conflicts of interest. See updates in Products, Section 9.C.(xii) and (xiii) / Training, Section 9.C.(xi) and (xii) / Services, Section 7.C.(xi) and (xii).</li> <li>Responsibility for Actions – language updated to point to vendor certification language above. See Products, Section 9.G. /Training, Section 9.G./Services, Section 7.G.</li> </ul>
05/07/2010	<ul style="list-style-type: none"> <li>Internet Access to Contract and Pricing Information – ICT Name Change</li> <li>Detailed Monthly Report – ICT Name Change</li> <li>Contract Administration Notification – ICT Name Change</li> <li>Vendor Certifications Updated (xii and xiii – Products)(xi and xii – Training/Services) and last paragraph added</li> <li>Responsibility for Actions – Added second paragraph</li> <li>Substitutions (New Title)</li> </ul>
03/26/2010	<ul style="list-style-type: none"> <li>The Definitions Section of all 3 versions of the Appendix A templates has been revised to include Compliance Check.</li> </ul>
02/04/2010	<ul style="list-style-type: none"> <li>Revised Section- Immigration</li> </ul>
12/01/2009	<ul style="list-style-type: none"> <li>Appendix A, Payments was updated</li> <li>Appendix A, Confidentiality was updated</li> <li>Appendix A, Security of Premises, Equipment, Data and Personnel was updated</li> <li>Appendix A, Immigration was updated</li> <li>Appendix A, Public Disclosure was added</li> <li>Appendix A, Substitutions was added</li> </ul>
4/24/2009	<ul style="list-style-type: none"> <li>Revised Section B.5) Customer Rights Under Termination</li> <li>Revised Section B.6) Vendor or Order Fulfiller Rights Under Termination</li> </ul>

12/17/2008	<ul style="list-style-type: none"> <li>• Added Immigration, Limitation of Authority, and Use of State Property Sections</li> <li>• Revised Limitation of Liability Section</li> <li>• Revised Vendor Certification Section to include 3 affirmations</li> </ul>
9/19/2008	<ul style="list-style-type: none"> <li>• Appendix A revised to change the Assignments clause back to the original language.</li> </ul>
9/15/2008	<ul style="list-style-type: none"> <li>• Appendix A revised to remove the Intellectual Property Clause (added to the Contract). NOTE: The IP clause applies if code is being written for the customer.</li> <li>• Vendor Certification revised to add the Equipment Recycling requirement.</li> </ul>
9/11/2008	<ul style="list-style-type: none"> <li>• The Required Insurance Coverage sections have been revised.</li> </ul>
9/5/2008	<ul style="list-style-type: none"> <li>• Products Corrected Section 4.A</li> </ul>
9/4/2008	<ul style="list-style-type: none"> <li>• Updated Sections 3.A. and 3.D. Added Sections 4.C. Services Warranties and Return Policies</li> </ul>
08/06/2008	<ul style="list-style-type: none"> <li>• Appendix A –Vendor Responsibilities, Vendor Certification-subsection “ix” added</li> <li>• Appendix A –Contract Enforcement Absolute Right subsection “iii” added Per Texas Government Code 2155.006</li> </ul>