

## Contracting Review Guidelines

The purpose of these contracting review guidelines is to ensure Contract Managers are informed of the minimum review requirements for contracts that are submitted into the contracting system for review. While reviewers perform reviews based on their expertise and review procedures may vary depending on the contract, these guidelines will provide guidance and assist with managing contract review expectations.

### Technology Services Review:

- Conducts a third-party software review through the Clinical Information System Committee and/or e-Learning Committee *before* a contract is entered into the contracting system for review.
  - *A Sysaid approval ticket is required prior to uploading your software contract.*
  - *Sysaid approval ticket must be uploaded into the Notes & Attachment section in ASC.*
- Confirms compatibility with our single sign on solution.
- Ensures compatibility with our servers and /or databases.
- Reviews storage and application installation information technology specifications.
- Verifies application and/or software is not a duplication of functionality from other software already utilized within the institution.
- Integration compatibility, if it is required.

### Cybersecurity Review:

- Reviews risk to ensure all cybersecurity insurance requirements are included in the contract, specifically, if a Business Associate Agreement (BAA) is implemented or required.
- Confirms all Senate Bill 3834 Cybersecurity Training requirements are addressed in the contract.
- Reviews contract to ensure EIR compliance requirements are addressed in the contract.
- Verifies authentication mechanisms, if possible, for any cloud-based software products.
- Reviews for any other regulatory requirements for the contract including TAC 202, EIR Requirements, HIPAA/Hitech, and PCI requirements. Essentially anything cybersecurity finds the need to be addressed from a state and federal regulatory compliance standpoint.
- Certifies Texas Risk and Authorization Management Program (TX-RAMP) compliance is an element of the contract.

### Compliance Review:

- Business Associate Agreements (BAA), Data Use Agreement (DUA), Professional Service Agreement, etc. are reviewed to ensure compliance with internal and external standards, regulations, business language and business rules as it pertains to compliance and to mitigate risk.
- Contracts are thoroughly reviewed, specifically, the *Compliance* and *Privacy/HIPAA* areas to assure language works for both sides and that it meets allowed requirements.
- BAAs and DUA are thoroughly reviewed to assure permittee used and disclosures are established, appropriate safeguards are in place, for protection of data and termination terms.
- Verifies contracts do not violate the Anti-Kickback statute or Stark Law.

### Purchasing Review:

- Ensures compliance with bid limits.
- Determines procurement method to utilize such as cooperative contracts or piggy-backing-off established contracts.
- Confirms payment terms are net 30 days.
- Ensures liability requirements.

### *Contracting Office*

---

- Corroborates governing venue is compliant to Texas law.

#### **General Counsel Review:**

- As a State Agency under the Texas Tech University System (TTUS), Texas Tech University Health Sciences Center at El Paso is required by Texas law, the directives of the Attorney General, and Rules of our Board of Regents, to include certain provisions in all contracts.

#### **Disclaimer for Business Reviewers and Approvers**

By completing your review and/or approval in the ASC contracting system, then you concur with the following statement:

I have reviewed the attached contract document(s) and recommend the continuation of the review and/or approval of the attached contract document(s) as written. This includes all exhibits, attachments, request for proposal, best and final offer, pricing schedules and any other relevant attachments the contract manager uploads in the notes and attachment section. Additionally, I further attest, to the best of my knowledge, that the agreement is a proper activity to enter into given my area of responsibility, and complies with the Board of Regents and TTUHSC EP policies.