

## CONTRACT ADVISORY

### PLEASE COMPLETE THIS FORM AND RETURN IT TO THE NC STATE PURCHASING OFFICE

Vendor's Name: \_\_\_\_\_

Name of Product/Service being acquired: \_\_\_\_\_

The contract described above, which has been submitted for approval and signature, contains one or more provisions that are normally unacceptable to the University. These provisions are normally unacceptable because they (a) potentially impose liability on the University beyond that which is deemed to be appropriate for a state agency, or (b) limit the vendor's normal liability for its own breach or other wrongdoing, or (c) do both. Those clauses to which the University does not normally agree are identified on the attached copy of the proposed contract, or have otherwise been identified in other communications with the affected unit (identified below). Negotiations with the Vendor to remove these provisions have been unsuccessful.

The Attorney General of North Carolina has provided written advice recommending that such terms be deleted and the NC State Office of Legal Affairs concurs in this advice.

However, the decision of whether to assume risks of contractor non-performance, default, defect, and other liabilities is left to the NC State University supervisor (department head or higher) of the unit that wants the product or service being provided under the contract.

By signing below, the affected unit indicates its desire to enter the contract without deleting the provisions that have been identified as normally unacceptable. Any damages or costs that result from the presence of these clauses in the contract are to be paid from the affected unit's budget.

This Contract Advisory is an internal University document intended to make the affected unit aware of the risks of agreeing to the identified clause(s) and to alert the unit to the potential impact on its budget under certain circumstances. In no way is it intended to make any individual personally liable under this contract. This Contract Advisory may be used to address any of the normally unacceptable clauses listed on the "Contract Review Checklist" :

([http://www.ncsu.edu/legal/legal\\_topics/contracts\\_purch/checklist.php](http://www.ncsu.edu/legal/legal_topics/contracts_purch/checklist.php)) that are identified on the Checklist as being among those clauses that may be accepted by the University upon execution of a Contract Advisory.

If there are any questions about use of this Contract Advisory or the attached contract, please contact Contract Management Administration at 515-9445 or by email at [hays\\_poole@ncsu.edu](mailto:hays_poole@ncsu.edu)

After reviewing the preceding advice, the affected unit requests that Purchasing proceed with the contract as attached even though this may expose the unit to possible losses or damages as described above.

Name of Unit seeking the Product or Service: \_\_\_\_\_

Contact Person in Unit: \_\_\_\_\_ Phone: \_\_\_\_\_

Department Head's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head's printed name: \_\_\_\_\_

Department Head's title: \_\_\_\_\_