**Section 290.APPENDIX A Suggested Provisions**

The provisions set forth below are suggested only. It is recommended that agencies review their contractual agreements to ascertain whether inclusion of any of the below listed provisions would be beneficial.

a) Termination

1) In many cases it is advisable to provide for termination after written notice. Suggested language is set forth below:

This contract may be terminated by either party upon \_\_\_\_\_\_days written notice. Upon termination the Vendor shall be paid for work satisfactorily completed prior to the date of termination.

2) The following alternative termination provision should be used where the final product to be produced is the principal object of the contract and the preliminary drafts or reports would be substantially useless:

This contract may be terminated by either party upon \_\_\_\_\_\_days written notice. Upon termination the Vendor shall be paid for useable work completed to the satisfaction of the State prior to the date of termination.

b) Work Product

In cases where the contractor will produce a written document it is advisable to specify that the work product is the property of the State. Suggested language is set forth below:

All documents including reports and all other work products produced by the Vendor under this Contract, shall become and remain the property of the State.

c) Travel Expenses

Where applicable the following provision may be used for travel expenses:

The vendor shall be reimbursed for necessary travel expenses incurred in fulfilling his obligations under this contract. Such expenses shall be reimbursed at the rates and for the purposes applicable to employees of the Department.

d) Unlawful Discrimination

1) Suggested language for unlawful discrimination provisions is set forth below:

A) Vendor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed.

B) Vendor agrees to comply with "An Act to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works", (Ill. Rev. Stat. 1987 ch. 29, par. 17 et seq.). The provisions of this Act are made a part of this contract by reference as though set forth in full herein.

2) Where the contract is wholly or partially funded with federal financial assistance, the following provision may also be included:

Vendor agrees that, if it receives funds which are wholly or partially allotted to the State of Illinois, Department (or division, office, bureau, district) of \_\_\_\_\_\_\_, from Federal financial assistance, it shall comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). The provisions of that Section are made a part of this contract by reference as though set forth in full herein.

e) Federal Taxpayer Identification Number (TIN): Agencies are required by the Internal Revenue Service to provide the following instructions to vendors for use in completing the certification provided in Section 290.Appendix B (16)):

Enter your taxpayer identification number in the appropriate space. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. Federal Employer Identification Numbers (FEINs) must not be used for sole proprietorships.

If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals) from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete the certification if you do not have a TIN, fill out the certification indicating that a TIN has been applied for, sign and date the form, and return it to this agency. As soon as you receive your TIN, fill out another such form including your TIN, sign and date the form, and give it to this agency.

If you fail to furnish your correct TIN to this agency, you are subject to an IRS penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willfull neglect.

WILLFULLY FALSIFYING CERTIFICATIONS OR AFFIRMATIONS MAY SUBJECT YOU TO CRIMINAL PENALTIES INCLUDING FINES AND/OR IMPRISONMENT.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)