

Draft Contract for Private Entities

Contract No. _____

This contract is between the State of North Dakota acting by and through its Industrial Commission, hereafter called Commission, and _____, hereafter called Contractor.

1. Independent Contractor

The Contractor shall perform as an independent entity under this agreement. The Contractor, its employees, agents and representatives are not employees of the Commission. No part of this agreement shall be construed to represent the creation of an employer/employee relationship.

2. Statement of Work

a. Contractor agrees to accomplish the following work under this contract: The work to be accomplished is contained in Exhibit A, entitled _____, which is attached to this contract and is made a part of it.

b. Contractor agrees to provide reports for the work mentioned in Paragraph 2a as follows:

| | |
|----------------|-------|
| Status Report: | _____ |
| Status Report: | _____ |
| Final Report: | _____ |

The reports shall be in compliance with 43-03-05-08 of the North Dakota Administrative Code. Specifically, the Final Report must include a single page project summary describing the purpose of the project, the work accomplished, the project's results, and the potential applications of the project. Each report must provide documentation verifying the receipt of the private matching funds.

3. Consideration

a. Commission agrees to grant to Contractor an amount not to exceed the sum of \$_____ for accomplishment of the work.

b. The Commission will transfer the \$_____ to the Contractor by interim payments. Payments shall be made according to the following schedule:

| | |
|---|---------|
| Upon execution of the contract | \$_____ |
| Upon receipt and consideration of status report | \$_____ |
| Upon receipt and consideration of final report | \$_____ |

c. Should the Commission, upon consideration of a report, believe that the report is inadequate or that the Contractor is not complying with the statement of work or satisfactorily carrying out the work, the Commission may withhold all or part of a scheduled payment until the Contractor, in the opinion of the Commission, has remedied the problem causing the withholding.

4. Authority to Contract and Subcontract

The Contractor shall not have the authority to contract for or on behalf of or incur obligations on behalf of the Commission.