


#104 2004-083
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**THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF BUSINESS AFFAIRS
CONTRACT PROCESSING CHECKLIST**

TO:	The University of Texas System Office of Business Affairs	
FROM:	UT TeleCampus	
DATE:	February 1, 2004	
Name of Contractor:	Classmate, LLC	
Contractor's Vendor Identification Number ¹ :	17606286361	
Total Value of Contract:	\$35,000	
Cost of Contract by Fiscal Year (please continue on another page if the contract term exceeds three fiscal years):		
	<u>Fiscal Year</u>	<u>Amount</u>
		\$35,000
		\$
		\$
Account number from which contract will be funded ² :		
Is the contractor a certified Historically Underutilized Business (HUB) firm?	N/A	
Dollar value of work being subcontracted to HUB firms:	N/A	
Purpose of Contract:	To purchase content and to convert subject matter to prepare the diagnostic and preparatory online course for students to take for the TAKS test.	
Beginning Date of Contract:	February 1, 2004	
Ending Date of Contract:	June 30, 2007	
Note: The Office of Business Affairs will retain one original of the contract. Please send a sufficient number of originals to meet each party's document retention needs.		

PART 1: ALL CONTRACTS – Please answer each of the following questions and attach the requisite approvals to this checklist:

Yes No N/A

- ☐ ☐ X 1. If the contract is for System-wide use of computer software, computer hardware, or other information system components, have you attached a copy of the approval of the System Chief Information Officer as required by BPM 48 (<http://www.utsystem.edu/BPM/48.htm>)?
- ☐ X 2. If Office of General Counsel approval as to legal form is required by BPM 48 (<http://www.utsystem.edu/BPM/48.htm>) or otherwise, have you attached a copy of OGC's approval?

¹ For contractors to be paid, they must have or obtain a vendor identification number (VID) from the State Comptroller. If a contractor already has a VID, Account Services can provide you with that number. If a contractor does not have a VID, please request the Accounts Payable Supervisor (499-4579) to fax the Payee Information Form to the contractor.

² Account Services (499-4579) can encumber the funding if requested. Such an encumbrance will assist you with budgeting your funds.

Yes No N/A

☐ ☐ X 3. If approval of the contract by the Office of Health Affairs or the Office of Academic Affairs is required by BPM 48 (<http://www.utsystem.edu/BPM/48.htm>) or otherwise, have you attached a copy of the requisite approval?

☐ ☐ X 4. If approval of the contract by the Board of Regents is required by Part One, Chapter I, § 9, Regents' Rules and Regulations (<http://www.utsystem.edu/bor/rules>), have you obtained that approval?

☐ ☐ X 5. If the answer to Question 4 is NO, does the contract contain the required statement indicating that the contract is not effective until the Board of Regents approves it?

X ☐ ☐ 6. Does the contract comply with the purchasing procedures required by the applicable System or component institution purchasing agent? (Note: Mark "N/A" if UT is the party providing the goods or performing the services that are the subject of the contract.)

☐ ☐ X 7. If the contract is for \$100,000 or more, have you complied with HUB Action Plan procedure D.2.3.2? (For questions about the HUB Action Plan, please contact the System HUB Coordinator or the OFPC HUB Program Manager.)

☐ ☐ X 8. If the contract is for \$100,000 or more, have you complied with BPM 58 (<http://www.utsystem.edu/BPM/58-06-00.htm>) with respect to the content of the procurement solicitation document, evaluation of bids received, and inclusion of the HUB Subcontracting Plan, where applicable, as a provision of the contract? (For questions about compliance with BPM 58, please contact the System HUB Coordinator or OFPC HUB Program Manager.) This is an Amendment to an agreement where all of those procedures were followed.

☐ ☐ X 9. Have you completed and attached to this checklist the list of HUB vendors who bid on this contract? (Please use the HUB Vendor List form attached to this checklist.)

X ☐ 10. Is the contract complete, with all pages, exhibits, schedules, etc., attached?

X ☐ 11. Have you determined that no member of the Board of Regents has a financial interest, directly or indirectly, in the contract? (Note: To assist you in making that determination, you may wish to include in your contract the following representation from the contractor: "No member of the Board of Regents of The University of Texas System has a financial interest, directly or indirectly, in the transaction that is the subject of this contract.")

X ☐ 12. Has the authorized person in your office or department signed or initialed the contract beside the signature line for the Executive Vice Chancellor for Business Affairs to confirm that the contract's business terms are correct and appropriate?

X ☐ 13. Have you confirmed that there are no significant risks or issues related to the contract? If there are significant risks or issues related to the contract, please elaborate below or on an additional page, if needed:

Yes No N/A

If the contract is with another state agency, stop here and go to Part 4 of this checklist. Otherwise, please go to the next question

Yes No N/A

- ☐ ☒ 14. Have you confirmed by checking with the State Comptroller's Taxpayer and Vendor Account Information (<http://ecpa.cpa.state.tx.us/vendor/tpsearch1.html>) that the contractor does not owe any debt or delinquent taxes to the State of Texas? (Texas Government Code Sections 2107.008 and 2252.903 (<http://www.capitol.state.tx.us/statutes/gvtoc.html>) require such verification for purchases of goods or services.)

PART 2: CONTRACTS FOR CONSULTING SERVICES – Please answer the following questions if your contract is for consulting services.³ If it is not, please go to Part 3 of this checklist.

- ☐ ☐ ☒ 15. If your contract is for consulting services **and** the contract exceeds \$250,000, has it been approved by the Board of Regents?

16. If your contract is for consulting services **and** the contract exceeds \$15,000, please answer the following questions; **otherwise**, please skip to Part 3 of this Checklist.

- ☐ ☐ a. Did the appropriate Executive Vice Chancellor approve the contract? (See BPM 43 — <http://www.utsystem.edu/BPM/43.htm>.)

- ☐ ☐ b. Was approval to enter into the contract obtained from the Governor's Budget Office by issuance of a finding of fact by that office prior to the signing of the contract? (See Texas Government Code Section 2254.028 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>.)

- ☐ ☐ c. Was an invitation to present offers posted in the *Texas Register* a minimum of 30 days prior to signing the contract as required by statute? (See Texas Government Code Section 2254.029 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>.)

- ☐ ☐ d. Have you confirmed that no officer or employee of System Administration (and no officer or employee of any other U. T. System component institution that is involved in the contract) has a financial interest in the contractor or is related within two generations, either by birth or by marriage, to the contractor or an individual with a financial interest in the contractor? (See Texas Government Code Sections 2254.032, 573.023 and 573.024 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>.)

- ☐ ☐ e. If an officer or employee has an interest in or is related to the owners or employees of the contractor, has this information been shared in writing with the Chancellor?

- ☐ ☐ f. Have you confirmed that the contractor has not been employed by U. T. System (including any component institutions) or by any other state agency at any time during the last two years preceding making the offer? (See Texas Government Code Section 2254.033 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>.) If the answer is NO, please provide the following information so that Business and Administrative Services may include it in the notice it will post in the *Texas Register* after the contract is signed (see Texas Government Code Section 2254.030 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>):
- (1) The nature of the previous employment with the agency:
-

³ Consulting services are the services of **studying** or **advising** a state agency under a contract that does not involve the traditional relationship of employer and employee. Please contact Business and Administrative Services if you need assistance in determining whether the services you are acquiring are consulting services.

Yes No N/A

(2) The date the employment was terminated: _____

(3) The annual rate of compensation for the employment at the time of termination: _____

PART 3: CONTRACTS FOR CONTRACT WORKERS, INCLUDING CONSULTANTS – If your contract involves the use of contract workers,⁴ please answer the following questions. If not, please go to Part 4 of this checklist.

17. If you will pay for the contract workers from funds in a budgetary account that begins with a 53 or 54-0100 prefix, please answer the following questions; **otherwise**, please skip to Part 4 on the last page of this checklist.

☐ ☐

a. Have you confirmed that the individual providing services under the contract has **not** been employed by System Administration (or by any other U. T. System component institution that is involved in the contract) within the 12 months preceding the effective date of the contract? (See Texas Government Code Section 2252.901 — <http://www.capitol.state.tx.us/statutes/gvtoc.html>.)

☐ ☐

b. Do you have in your contract file a written description of how the use of a contract workforce fits into your department's mission, goals, and objectives?

☐ ☐

c. Have you confirmed that contract workers are NOT being used in critical areas where in-house expertise should be retained or where confidentiality is important? If contract workers **are** being used in these areas, please explain why below:

☐ ☐

d. Do you have in your contract file a written cost benefit analysis confirming that it is more cost-effective to hire outside workers than hire full-time employees?

e. If you do not have a written cost benefit analysis, is the contract being entered into for one of the following reasons:

☐ ☐ ☐

(1) The deadline for completing the project is such that the work cannot be completed by full-time employees due to their current workload or the training required?

☐ ☐ ☐

(2) The work involves a special expertise that is not likely to be used again or will only be used on a random basis?

☐ ☐

f. Does the contract expressly state that the contractor is an independent contractor and not an employee of U. T. System?

☐ ☐

g. Does the contract describe the project or scope of work and provide that payments are made after services are rendered?

⁴ The General Appropriations Act (77th Legislature), Article IX, Section 4.07(a), defines contract workers as "independent contractors, temporary workers supplied by staffing companies, contract company workers and consultants." If your contract primarily involves the provision of labor (as opposed to the provision of goods), it is likely a contract for contract workforce. Please check with Business and Administrative Services if you are unsure.

Yes No N/A

☐ ☐

h. Does the contract state the standard or level of performance that the contractor is required to meet (such as "good and worker-like manner" or "best efforts, skill and judgment in accordance with the contractor's profession and applicable laws")?

☐ ☐ ☐

i. Does the contract make it the responsibility of the contractor to hire, train, pay and maintain its own employees (if any) for the performance of the services under the contract?

PART 4: ALL CONTRACTS

X ☐ ☐

18. Did you answer YES or N/A to every question on this checklist that you are required to answer for your contract? If you answered NO to any such question, please list below the question number and explain why the answer is no; please continue on an additional page, if needed.

Thank you for completing this checklist.

AGREEMENT BETWEEN UNIVERSITY of TEXAS AND CLASSMATE

Effective February 1, 2004, The University of Texas System Administration ("University") and *Classmate* ("Contractor") entered into an agreement for the use of learning materials for the TRACK program (the "Agreement").

Agreement between University and *Classmate*.

Classmate is the sole owner of the materials contained in all of the lessons listed below.

Classmate grants University permission to use materials from the following products:

Pre-Algebra

- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section C: Advanced Patterns
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section B: Nets
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section C: Perspective Drawings
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section A: Congruent Figures
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section C: Problem Solving with Similar Figures
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section B: Relations and Functions
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section C: Evaluating and Graphing Functions
- Pre-Algebra, Chapter Geometry, Unit 6: Transformations, Section A: Transformations
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section A: Surface Area
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section B: Volume of Prisms and Pyramids
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section C: Volume of Cylinders, Spheres, and Cones
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section D: Word Problems
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section C: Pythagorean Theorem
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section D: Pythagorean Triples
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, and Section B: Bar Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section D: Circle Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section B: Histograms
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section D, Misleading Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 3: Central Tendency, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 3: One-Step Equations, Section A: Introduction to Equations

- Pre-Algebra, Chapter Algebraic Thinking, Unit 4: Multi-Step Equations, Section D: Modeling Two-step Equations
- Pre-Algebra, Chapter Geometry, Unit 3: 3-Dimensional Figures, Section A: Classifying 3-dimensional Figures
- Pre-Algebra, Chapter Probability and Statistics, Unit 4: Probability, Section b: Experimental Probability

Geometry

- Geometry, Chapter Parallel Lines and Polygons, Unit: Angles of a Triangle, Section A: Vocabulary and Triangle Sum Theorem
- Geometry, Chapter Parallel Lines and Polygons, Unit: Polygons, Section B: Sum of Interior and Exterior Angles
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section A: Points, Lines, Planes, and Space
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section B: Segments, Rays, and Length
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section C: Segment Addition Postulate and Midpoint
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra I

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section B: Value Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section C: Interest Problems
- Algebra, Chapter Inequalities and Abs. Value Functions and Graphing, Unit 3: Functions, Section B: Domain and Range
- Algebra, Chapter Linear Equations, Unit 2: Slope-Intercept Form, Section A: Using Slope-Intercept Form to Graph a Line
- Algebra, Chapter Linear Equations, Unit 3: Writing Equations of Lines, Section D: Parallel and Perpendicular
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section A: One-Step Equations
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section B: Two-Step Equations
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section A: Equations with Fractions
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section B: Equations Involving the Distributive Property
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section A: Variable on Both Sides
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section B: Variable on Both Sides and Fractions
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section C: Variable on Both Sides and Distributive
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section A: Fractional Solutions
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section B: Beginning Formulas
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section C: Advanced Formulas
- Algebra, Chapter Inequalities & Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities

in the UTTC TRACK (TAKS Readiness and Core Knowledge) program.

In addition, *Classmate* will convert the video to work within the UTTC TRACK program.

Terms

University is granted permission for the three years for unlimited use and the right to change the content to make it suitable for the program.

Schedule of Payment

University agrees to pay *Classmate* a one-time fee of \$500 per lesson used. University agrees to pay *Classmate* up to \$7,500 in expenses related to the conversion. *Classmate* will send invoices to the University for payment.

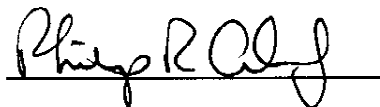
IN WITNESS WHEREOF, University and Contractor have executed and delivered this ~~First Amendment to the~~ Agreement effective as of the date written above.

MM
PRA

THE UNIVERSITY OF TEXAS SYSTEM:

Classmate:

By:



By:


Mike Maggart

Date:

3/1/04

Date:

2/13/04

nick

2004-083-01RN
THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF BUSINESS AFFAIRS
CONTRACT PROCESSING CHECKLIST

Rec'd UT System

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Business Affairs

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TO:	The University of Texas System Office of Business Affairs #124
FROM:	IPSI
DATE:	1/31/2007
Departmental Contract Administrator:	Cecilia-Arias-Boze
Name of Contractor:	Classmate LLC (Your Teacher)
Contractor's Vendor Identification Number ¹ :	17606286361000
Total Value of Contract:	\$23,000
Cost of Contract by Fiscal Year (please continue on another page if the contract term exceeds three fiscal years):	
Fiscal Year	Amount
	\$
	\$
	\$
Account number from which contract will be funded ² :	[REDACTED]
Is the contractor a certified Historically Underutilized Business (HUB) firm?	NA
Dollar value of work being subcontracted to HUB firms: \$	NA
Purpose of Contract:	1-year extension: diagnostic and preparatory online course for TRAC program
Beginning Date of Contract:	Feb. 1, 2007
Ending Date of Contract:	January 31, 2008
Is this contract an amendment, renewal, or modification of an existing contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Note: The Office of Business Affairs will retain one original of the contract. Please send a sufficient number of originals to meet each party's document retention needs.	

PART 1: ALL CONTRACTS – Please answer each of the following questions and attach the requisite approvals to this checklist:

Yes No N/A

- FEB 02 2007
RECEIVED
- ☐ ☐ ☒ 1. If the contract is for System-wide use of computer software, computer hardware, or other information system components, have you attached a copy of the approval of the U. T. System Chief Information Officer as required by Business Procedure Memorandum 48?
-
- ☐ ☐ ☒ 2. If the contract is for the purchase of information technology hardware, software or systems development services, have you obtained the approval of the Office of Technology and Information Services as required by Section 23 of the Information Resources Use and Security Policy?

¹ For contractors to be paid, they must have or obtain a vendor identification number (VID) from the State Comptroller. If a contractor already has a VID, Accounting and Purchasing Services can provide you with that number. If a contractor does not have a VID, please go to <http://www.utexas.edu/admin/purchasing/vid.htm> to establish a VID for that contractor.

² Accounting and Purchasing Services (499-4579) can encumber the funding if requested. Such an encumbrance will assist you with budgeting your funds.

Yes No N/A

☐ ☐ ☒ 3. If the contract is for the purchase or development of an electronic system that will use social security numbers, have you obtained the approval of the System Administration SSN Coordinator as required by section 3.6.4.2 of Business Procedures Memorandum 66?

☐ ☐ ☐ 4. a. If Office of General Counsel approval as to legal form is required by Business Procedure Memorandum 48 or otherwise, have you attached a copy of OGC's approval? Or

☒ ☐ ☐ b. If Office of General Counsel approval is not required, did you utilize the OGC Contract Review Procedures in accordance with BPM 48? Or

☐ ☐ ☐ c. Did you utilize an OGC approved standard contract?

☐ ☐ ☒ 5. If the contract is for the services of a "private auditor" to audit U. T. System or a function within U. T. System, have you obtained the approval of the Texas State Auditor's Office for the scope of the proposed audit as required by Texas Government Code Section 321.020? (<http://www.capitol.state.tx.us/statutes/gv.toc.htm>)

☐ ☐ ☒ 6. a. If approval of the contract by the Board of Regents is required by Regents' Rules and Regulations, Series 10501, Sections 2.1 and 3 (<http://www.utsystem.edu/bor/rules>), have you obtained that approval?

☐ ☐ ☐ b. If the answer to Question 6.a. is NO, does the contract contain the required statement indicating that the contract is not effective until the Board of Regents approves it?

☐ ☐ ☒ 7. If the contract has a value of \$1,000,000.00 or more, has a Disclosure Statement for Purchasing Personnel (State Agency Uniform Nepotism Disclosure Form - 6/2005) been executed by all personnel involved in the contracting process as required by Texas Government Code, Section 2262.004?

☐ ☐ ☒ 8. If the contract binds any of the institutions, have you obtained concurrence (concurrence form) from the chief business officers at the affected U. T. institutions as required by Regents' Rules and Regulations, Series 10501, Section 5.1(b)? (Note: Mark "N/A" if the contract permits, but does not require, the participation of an institution.)

☒ ☐ ☐ 9. Does the contract comply with the purchasing procedures required by the applicable System or institution purchasing agent? (Note: Mark "N/A" if UT is the party providing the goods or performing the services that are the subject of the contract.)

☐ ☐ ☒ 10. If the contract is for \$100,000 or more, have you complied with Business Procedure Memorandum 58 with respect to the content of the procurement solicitation document, evaluation of bids received, and inclusion of the HUB Subcontracting Plan, where applicable, as a provision of the contract and have you complied with HUB Action Plan procedure D.2.3.2? (For questions about compliance with BPM 58 and the HUB Action Plan, please contact the Senior Director of HUB Program.)

☐ ☐ ☒ 11. Have you completed and attached to this checklist the list of HUB vendors who bid on this contract? (Please use the HUB Vendor List form attached to this checklist.)

☒ ☐ 12. Is the contract complete, with all pages, exhibits, schedules, etc., attached?

Yes No N/A

☐

13. Have you determined that no member of the Board of Regents has a financial interest, directly or indirectly, in the contract? (Note: To assist you in making that determination, you may wish to include in your contract the following representation from the contractor: "No member of the Board of Regents of The University of Texas System has a financial interest, directly or indirectly, in the transaction that is the subject of this contract.")

☐

14. Has the authorized person in your office or department signed or initialed the contract beside the signature line for the Executive Vice Chancellor for Business Affairs to confirm that the contract's business terms are correct and appropriate?

☐

15. Have you confirmed that there are no significant risks or issues related to the contract? If there are significant risks or issues related to the contract, please elaborate below or on an additional page, if needed:

If the contract is with another state agency, stop here and go to Part 4 of this checklist.
Otherwise, please go to the next question.

☐☐

16. Have you confirmed by checking with the State Comptroller's Taxpayer and Vendor Account Information that the contractor does not owe any debt or delinquent taxes to the State of Texas? (Texas Government Code, Sections 2107.008 and 2252.903 require such verification for purchases of goods or services.)

☐☐

17. Have you prepared and filed with the other records relating to the contract a statement of the reasons for making the award to the successful bidder and the factors considered in determining which bidder offered the best value as required by UT System policy and procedure to comply with Texas Government Code, Section 2156.009?

PART 2: CONTRACTS FOR CONSULTING SERVICES – Please answer the following questions if your contract is for consulting services.³ If it is not, please go to Part 3 of this checklist.

18. If your contract is for consulting services **and** the contract exceeds \$25,000, please answer the following questions; **otherwise**, please skip to Part 3 of this Checklist.

☐☐

- a. Did the appropriate Executive Vice Chancellor sign the Major Consulting Services Contract Approval Request form? (See Business Procedure Memorandum 43) (Please attach a copy of the signed form.)

☐☐

- b. Was a finding of fact issued by (a) the Chancellor or (b) the Governor's Budget Office prior to the signing of the contract? (See Texas Government Code, Section 2254.028).

☐☐

- c. Was an invitation to present offers posted in the Texas Register a minimum of 30 days prior to signing the contract as required by statute and, if the finding of fact was issued by the Chancellor, was it included in the posted information? (See Texas Government Code, Sections 2254.028 and 2254.029)

³ Consulting services are the services of **studying** or **advising** a state agency under a contract that does not involve the traditional relationship of employer and employee. Please contact Accounting and Purchasing Services if you need assistance in determining whether the services you are acquiring are consulting services.

Yes No N/A

☐ ☐

- d. Have you confirmed that no officer or employee of System Administration (and no officer or employee of any other U. T. System institution that is involved in the contract) has a financial interest in the contractor or is related within two generations, either by birth or by marriage, to the contractor or an individual with a financial interest in the contractor? (See Texas Government Code, Sections 2254.032, 573.023 and 573.024).

☐ ☐

- e. If an officer or employee has an interest in or is related to the owners or employees of the contractor, has this information been shared in writing with the Chancellor?

☐ ☐

- f. Have you confirmed that the contractor has not been employed by U. T. System (including any institutions) or by any other state agency at any time during the last two years preceding making the offer? (See Texas Government Code, Section 2254.033). If the answer is NO, please provide the following information so that Accounting and Purchasing Services may include it in the notice it will post in the *Texas Register* after the contract is signed (see Texas Government Code, Section 2254.030)
- (1) The nature of the previous employment with the agency:

(2) The date the employment was terminated:

(3) The annual rate of compensation for the employment at the time of termination:

PART 3: CONTRACTS FOR CONTRACT WORKERS, INCLUDING CONSULTANTS – If your contract involves the use of contract workers,⁴ please answer the following questions. If not, please go to Part 4 of this checklist.

19. If you will pay for the contract workers from funds in a budgetary account that begins with a 53, 63 or 54-0100 prefix, please answer the following questions; **otherwise**, please skip to Part 4 on the last page of this checklist.

☐ ☐

- a. Have you confirmed that the individual providing services under the contract has **not** been employed by System Administration (or by any other U. T. System institution that is involved in the contract) within the 12 months preceding the effective date of the contract? (See Texas Government Code, Section 2252.901).

☐ ☐

- b. Do you have in your contract file a written description of how the use of a contract workforce fits into your department's mission, goals, and objectives?

☐ ☐

- c. Have you confirmed that contract workers are NOT being used in critical areas where in-house expertise should be retained or where confidentiality is important? If contract workers **are** being used in these areas, please explain why below:

⁴ The General Appropriations Act (79th Legislature), Article IX, Section 4.07(a), defines contract workers as "independent contractors, temporary workers supplied by staffing companies, contract company workers and consultants." If your contract primarily involves the provision of labor (as opposed to the provision of goods), it is likely a contract for contract workforce. Please check with Accounting and Purchasing Services if you are unsure.

Yes No N/A

☐ ☐

d. Do you have in your contract file a written cost benefit analysis confirming that it is more cost-effective to hire outside workers than hire full-time employees?

e. If you do not have a written cost benefit analysis, is the contract being entered into for one of the following reasons:

☐ ☐ ☐

(1) The deadline for completing the project is such that the work cannot be completed by full-time employees due to their current workload or the training required?

☐ ☐ ☐

(2) The work involves a special expertise that is not likely to be used again or will only be used on a random basis?

☐ ☐

f. Does the contract expressly state that the contractor is an independent contractor and not an employee of U. T. System?

☐ ☐

g. Does the contract describe the project or scope of work and provide that payments are made after services are rendered?

☐ ☐

h. Does the contract state the standard or level of performance that the contractor is required to meet (such as "good and worker-like manner" or "best efforts, skill and judgment in accordance with the contractor's profession and applicable laws")?

☐ ☐ ☐

i. Does the contract make it the responsibility of the contractor to hire, train, pay and maintain its own employees (if any) for the performance of the services under the contract?

PART 4: ALL CONTRACTS

☒ ☐ ☐

20. Did you answer YES or N/A to every question on this checklist that you are required to answer for your contract? If you answered NO to any such question, please list below the question number and explain why the answer is no; please continue on an additional page, if needed.

Thank you for completing this checklist.

HUB Vendor List

List the Historically Underutilized Business (HUB) vendors who bid on the contract and mark their ethnic and gender category.

Name:	Asian Pacific	Black	Hispanic	American- Indian	Woman Owned
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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9. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AGREEMENT RENEWAL BETWEEN THE UNIVERSITY of TEXAS SYSTEM and CLASSMATE

This **agreement renewal** between University and Contractor is made and entered into effective February 1, 2007 (the "**Effective Date**"), by and between The University of Texas System, an agency and institution of higher education established under the laws of the State of Texas ("**University**") and Classmate also known as YourTeacher ("**Contractor**").

The University and Classmate entered into an original agreement dated effective February 1, 2004 for the use of learning materials for the TRACK program ("**Agreement**").

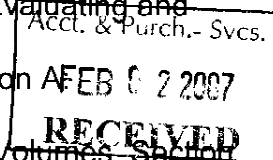
Agreement Renewal between University and Classmate

Classmate is the sole owner of the materials contained in all of the lessons listed below.

Classmate grants the University permission to use the materials from the following products:

Pre-Algebra

- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section C: Advanced Patters.
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section B: Nets
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section C: Perspective Drawings
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section A: *Congruent Figures*
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section C: Problem Solving with Similar Figures
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section B: Relations and Functions
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section C: Evaluating and Graphing Functions
- Pre-Algebra, Chapter Geometry, Unit 6: Transformations, Section A: Transformations
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section A: Surface Area
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section B: Volume of Prisms and Pyramids
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section C: Volume of Cylinders, Spheres, and Cones
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section D: Word Problems



- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section C: Pythagorean Theorem
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section D: Pythagorean Triples
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section B: Bar Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section D: Circle Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section B: Histograms
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section D: Misleading Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 3: Central Tendency, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 3: One-Step Equations, Section A: Introduction to Equations
- Pre-Algebra, Chapter Algebraic Thinking, Unit 4: Multi-Step Equations, Section D: Modeling Two-Step Equations
- Pre-Algebra, Chapter Geometry, Unit 3: 3-Dimensional Figures, Section A: Classifying 3-dimensional Figures
- Pre-Algebra, Chapter Probability and Statistics, Unit 4: Probability, Section B: Experimental Probability

Geometry

- Geometry, Chapter Parallel Lines and Polygons, Unit: Angles of a Triangle, Section A: Vocabulary and Triangle Sum Theorem
- Geometry, Chapter Parallel Lines and Polygons, Unit: Polygons, Section B: Sum of Interior and Exterior Angles
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section A: Points, Lines, Planes, and Space
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section B: Segments, Rays, and Length
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section C: Segment Addition Postulate and Midpoint
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra 1

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section B: Value Problems

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section C: Interest Problems
- Algebra, Chapter Inequalities and Abs. Value Functions and Graphing, Unit 3: Functions, Section B: Domain and Range
- Algebra, Chapter Linear Equations, Unit 2: Slope-Intercept Form, Section A: Using Slope-Intercept Form to Graph a Line
- Algebra, Chapter Linear Equations, Unit 3: Writing Equations of Lines, Section D: Parallel and Perpendicular
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section A: One-Step Equations
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section B: Two-Step Equations
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section A: Equations with Fractions
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section B: Equations Involving the Distributive Property
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section A: Variable on Both Sides
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section B: Variable on Both Sides and Fractions
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section C: Variable on Both Sides and Distributive
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section A: Fractional Solutions
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section B: Beginning Formulas
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section C: Advanced Formulas
- Algebra, Chapter Inequalities and Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities

The University will use the same materials. There are no conversions.

Terms

University is granted permission for one year of unlimited use and the right to change the content to make it suitable for the program beginning February 1, 2007 and ending January 31, 2008.

Schedule of Payment

University agrees to pay Classmate a one-time fee of \$500 per lesson used, a total of \$23,000. Classmate will send invoices to the University for payment.

THIS AGREEMENT RENEWAL SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

IN WITNESS WHEREOF, UT System and Classmate have executed and delivered this agreement renewal effective as of the Effective Date written above.

CLASSMATE, L.L.C. (YourTeacher):

By: CHRS
Name: Charles Hermes
Title: CEO

Date: 1-30-7

UNIVERSITY OF TEXAS SYSTEM:

By: Scott C. Kelley
Name: Dr. Scott C. Kelley
Title: Executive Vice Chancellor for
Business Affairs

Date: FEB 01 2007

cat

AGREEMENT BETWEEN UNIVERSITY of TEXAS AND CLASSMATE

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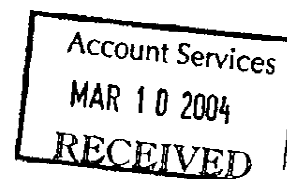
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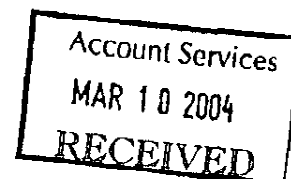
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- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra I

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems
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- Algebra, Chapter Inequalities & Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities



in the UTTC TRACK (TAKS Readiness and Core Knowledge) program.

In addition, *Classmate* will convert the video to work within the UTTC TRACK program.

Terms

University is granted permission for the three years for unlimited use and the right to change the content to make it suitable for the program.

Schedule of Payment

University agrees to pay *Classmate* a one-time fee of \$500 per lesson used. University agrees to pay *Classmate* up to \$7,500 in expenses related to the conversion. *Classmate* will send invoices to the University for payment.

IN WITNESS WHEREOF, University and Contractor have executed and delivered this ~~First Amendment to the~~ Agreement effective as of the date written above.

mm
PRA

THE UNIVERSITY OF TEXAS SYSTEM:

Classmate:

By: Philip R. Alaj

By: [Signature]
Mike Maggart

Date: 8/1/04

Date: 2/13/04

Account Services
MAR 10 2004
RECEIVED

2004-083-02RN

2008

Rec'd UT System

#51

15

Business Affairs

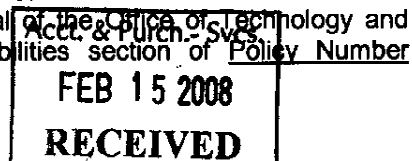
**THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF BUSINESS AFFAIRS
CONTRACT PROCESSING CHECKLIST**

TO:	The University of Texas System Office of Business Affairs
FROM:	Cecilia Arias-Boze (IPSI)
DATE:	2/8/2008
Departmental Contract Administrator: Cecilia Arias-Boze	
Name of Contractor: Classmate, LLC (YourTeacher)	
Contractor's <u>State Comptroller Tax Identification Number</u> ¹ : 17606286361	
Total Value of Contract: \$23,000	
Cost of Contract by Fiscal Year (please continue on another page if the contract term exceeds three fiscal years):	
<u>Fiscal Year</u>	<u>Amount</u>
	\$
	\$
	\$
Account number from which contract will be funded: XXXXXXXXXX	
Is the contractor a certified Historically Underutilized Business (HUB) firm? NA	
Dollar value of work being subcontracted to HUB firms: \$ NA	
Purpose of Contract: 1-year extension (2 nd renewal); diagnostic & preparatory online course for TRACK program	
Beginning Date of Contract: 2/1/2008	
Ending Date of Contract: 1/31/2009	
Is this contract an amendment, renewal, or modification of an existing contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Note: The Office of Business Affairs will retain one original of the contract. Please send a sufficient number of originals to meet each party's document retention needs.	

PART 1: ALL CONTRACTS – Please answer each of the following questions and attach the requisite approvals to this checklist:

Yes No N/A

- ☐ ☐ ☒ 1. If the contract is for System-wide use of computer software, computer hardware, or other information system components, have you attached a copy of the approval of the U. T. System Chief Information Officer as required by Policy Number UTS145?
-
- ☐ ☐ ☒ 2. If the contract is for the purchase of information technology hardware, software or systems development services, have you obtained the approval of the Office of Technology and Information Services as delegated in the Responsibilities section of Policy Number INT124?



¹This number should be the Texas State Comptroller of Public Accounts 11-digit taxpayer number; these numbers do not include SSNs. Please check the Comptroller's website to determine if the contractor has a Comptroller 11-digit VID; if they do not **leave this line blank**. For a contractor to be paid they must also be set up as a UT payee; please find guidance on this process at <http://www.utexas.edu/admin/purchasing/vid.html>. OSS-Accounting & Purchasing Services (499-4129) can assist with questions.

Yes No N/A

- ☐ ☐ X 3. If the contract is for the purchase or development of an electronic system that will use sensitive digital data as defined in Policy Number UTS165 (e.g., social security numbers, protected health information, sensitive research data, digital data associated with an individual and/or digital data protected by law), have you obtained the approval of the System Administration Information Security Officer?

- ☐ ☐ ☐ 4. a. If Office of General Counsel approval as to legal form is required by Policy Number UTS145 or otherwise, have you attached a copy of OGC's approval? Or
- X ☐ ☐ b. If Office of General Counsel approval is not required, did you utilize the OGC Contract Review Procedures in accordance with Policy Number UTS145? Or
- ☐ ☐ ☐ c. Did you utilize an OGC approved standard contract?

- ☐ ☐ X 5. If the contract being submitted contains an application for, or is subject to, a grant or sponsored program award, have you obtained a documentation review from the Grants & Contracts Manager in the Office of the Controller?

- ☐ ☐ X 6. If the contract is for the services of a "private auditor" to audit U. T. System or a function within U. T. System, have you obtained the approval of the Texas State Auditor's Office for the scope of the proposed audit as required by Texas Government Code Section 321.020? (<http://www.capitol.state.tx.us/statutes/gv.toc.htm>)

- ☐ ☐ X 7. a. If approval of the contract by the Board of Regents is required by Regents' Rules and Regulations, Series 10501, Sections 2.1 and 3 (<http://www.utsystem.edu/bor/rules>), have you obtained that approval?
- ☐ ☐ ☐ b. If the answer to Question 7.a. is NO, does the contract contain the required statement indicating that the contract is not effective until the Board of Regents approves it?

- ☐ ☐ X 8. If the contract has a value of \$1,000,000.00 or more, has a Disclosure Statement for Purchasing Personnel (State Agency Uniform Nepotism Disclosure Form - 6/2005) been executed by all personnel involved in the contracting process as required by Texas Government Code, Section 2262.004?

- ☐ ☐ X 9. If the contract binds any of the institutions, have you obtained concurrence (concurrence form) from the chief business officers at the affected U. T. institutions as required by Regents' Rules and Regulations, Series 10501, Section 5.1(b)? (Note: Mark "N/A" if the contract permits, but does not require, the participation of an institution.)

- X ☐ ☐ 10. Does the contract comply with the purchasing procedures required by the applicable System or institution purchasing agent? (Note: Mark "N/A" if UT is the party providing the goods or performing the services that are the subject of the contract.)

- ☐ ☐ X 11. If the contract is for \$100,000 or more, have you complied with Policy Number UTS137 with respect to the content of the procurement solicitation document, evaluation of bids received, and inclusion of the HUB Subcontracting Plan, where applicable, as a provision of the contract and have you complied with HUB Action Plan procedure D.2.3.2? (For questions about compliance with Policy Number UTS137 and the HUB Action Plan, please contact the Senior Director of HUB Programs.)

- ☐ ☐ X 12. Have you completed and attached to this checklist the list of HUB vendors who bid on this contract? (Please use the HUB Vendor List form attached to this checklist.)

Yes No N/A

X ☐ 13. Is the contract complete, with all pages, exhibits, schedules, etc., attached?

X ☐ 14. Have you determined that no member of the Board of Regents has a financial interest, directly or indirectly, in the contract? (Note: To assist you in making that determination, you may wish to include in your contract the following representation from the contractor: ***"No member of the Board of Regents of The University of Texas System has a financial interest, directly or indirectly, in the transaction that is the subject of this contract."***)

X ☐ 15. Has the authorized person in your office or department signed or initialed the contract beside the signature line for the Executive Vice Chancellor for Business Affairs to confirm that the contract's business terms are correct and appropriate?

X ☐ 16. Have you confirmed that there are no significant risks or issues related to the contract? If there are significant risks or issues related to the contract, please elaborate below or on an additional page, if needed:

**If the contract is with another state agency, stop here and go to Part 4 of this checklist.
Otherwise, please go to the next question.**

X ☐ ☐ 17. Have you confirmed by checking with the State Comptroller's Taxpayer and Vendor Account Information that the contractor does not owe any debt or delinquent taxes to the State of Texas? (Texas Government Code, Sections 2107.008 and 2252.903 require such verification for purchases of goods or services.)

☐ ☐ X 18. Have you prepared and filed with the other records relating to the contract a statement of the reasons for making the award to the successful bidder and the factors considered in determining which bidder offered the best value as required by UT System policy and procedure to comply with Texas Government Code, Section 2156.009?

PART 2: CONTRACTS FOR CONSULTING SERVICES – Please answer the following questions if your contract is for consulting services.² If it is not, please skip to Part 3 of this checklist.

19. If your contract is for consulting services and the contract exceeds \$25,000, please answer the following questions; **otherwise**, please skip to Part 3 of this Checklist.

☐ ☐ X a. Did the appropriate Executive Vice Chancellor sign the Major Consulting Services Contract Approval Request form? (See Policy Number UTS128) (Please attach a copy of the signed form.)

☐ ☐ X b. Was a finding of fact issued by (a) the Chancellor or (b) the Governor's Budget Office prior to the signing of the contract? (See Texas Government Code, Section 2254.028).

² Consulting services are the services of **studying** or **advising** a state agency under a contract that does not involve the traditional relationship of employer and employee. Please contact Accounting and Purchasing Services if you need assistance in determining whether the services you are acquiring are consulting services.

Yes No N/A

☐ ☐ X

c. Was an invitation to present offers posted in the *Texas Register* a minimum of 30 days prior to signing the contract as required by statute and, if the finding of fact was issued by the Chancellor, was it included in the posted information? (See *Texas Government Code, Sections 2254.028 and 2254.029*)

☐ ☐ X

d. Have you confirmed that no officer or employee of System Administration (and no officer or employee of any other U. T. System institution that is involved in the contract) has a financial interest in the contractor or is related within two generations, either by birth or by marriage, to the contractor or an individual with a financial interest in the contractor? (See *Texas Government Code, Sections 2254.032, 573.023 and 573.024*).

☐ ☐ X

e. If an officer or employee has an interest in or is related to the owners or employees of the contractor, has this information been shared in writing with the Chancellor?

☐ ☐ X

f. Have you confirmed that the contractor has not been employed by U. T. System (including any institutions) or by any other state agency at any time during the last two years preceding making the offer? (See *Texas Government Code, Section 2254.033*). If the answer is NO, please provide the following information so that Accounting and Purchasing Services may include it in the notice it will post in the *Texas Register* after the contract is signed (see *Texas Government Code, Section 2254.030*)

(1) The nature of the previous employment with the agency:

(2) The date the employment was terminated: _____

(3) The annual rate of compensation for the employment at the time of termination: _____

PART 3: CONTRACTS FOR CONTRACT WORKERS, INCLUDING CONSULTANTS – If your contract involves the use of contract workers,³ please answer the following questions. If not, please go to Part 4 of this checklist.

20. If you will pay for the contract workers from funds in a budgetary account that begins with a 53, 63 or 54-0100 prefix, please answer the following questions; **otherwise**, please skip to Part 4 on the last page of this checklist.

☐ ☐ X

a. Have you confirmed that the individual providing services under the contract has **not** been employed by System Administration (or by any other U. T. System institution that is involved in the contract) within the 12 months preceding the effective date of the contract? (See *Texas Government Code, Section 2252.901*).

☐ ☐ X

b. Have you confirmed that contract workers are NOT being used in critical areas where in-house expertise should be retained or where confidentiality is important? If contract workers **are** being used in these areas, please explain why below:

³ Contract workers are defined as "independent contractors, temporary workers supplied by staffing companies, contract company workers and consultants." If your contract primarily involves the provision of labor (as opposed to the provision of goods), it is likely a contract for contract workforce. Please check with Accounting and Purchasing Services if you are unsure.

Yes No N/A

- ☐ ☐ X c. Is the contract being entered into for one of the following reasons:
- (1) The deadline for completing the project is such that the work cannot be completed by full-time employees due to their current workload or the training required?
- ☐ ☐ X (2) The work involves a special expertise that is not likely to be used again or will only be used on a random basis?
- ☐ ☐ X d. Does the contract expressly state that the contractor is an independent contractor and not an employee of U. T. System?
- ☐ ☐ X e. Does the contract describe the project or scope of work and provide that payments are made after services are rendered?
- ☐ ☐ X f. Does the contract state the standard or level of performance that the contractor is required to meet (such as "good and worker-like manner" or "best efforts, skill and judgment in accordance with the contractor's profession and applicable laws")?
- ☐ ☐ X g. Does the contract make it the responsibility of the contractor to hire, train, pay and maintain its own employees (if any) for the performance of the services under the contract?

PART 4: ALL CONTRACTS

- X ☐ ☐ 21. Did you answer YES or N/A to every question on this checklist that you are required to answer for your contract? If you answered NO to any such question, please list below the question number and explain why the answer is no; please continue on an additional page, if needed.

❧ Thank you for completing this checklist. ❧

HUB Vendor List

List the Historically Underutilized Business (HUB) vendors who bid on the contract and mark their ethnic and gender category. **NA**

Name:	Asian Pacific	Black	Hispanic	American-Indian	Woman Owned
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1st renewal

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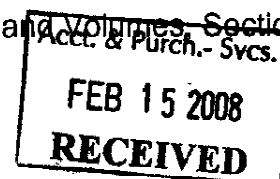
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- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section A: Congruent Figures
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section C: Problem Solving with Similar Figures
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section B: Relations and Functions
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section C: Evaluating and Graphing Functions
- Pre-Algebra, Chapter Geometry, Unit 6: Transformations, Section A: Transformations
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section A: Surface Area
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section B: Volume of Prisms and Pyramids
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section C: Volume of Cylinders, Spheres, and Cones
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section D: Word Problems



- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section C: Pythagorean Theorem
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section D: Pythagorean Triples
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section B: Bar Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section D: Circle Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section B: Histograms
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section D: Misleading Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 3: Central Tendency, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 3: One-Step Equations, Section A: Introduction to Equations
- Pre-Algebra, Chapter Algebraic Thinking, Unit 4: Multi-Step Equations, Section D: Modeling Two-Step Equations
- Pre-Algebra, Chapter Geometry, Unit 3: 3-Dimensional Figures, Section A: Classifying 3-dimensional Figures
- Pre-Algebra, Chapter Probability and Statistics, Unit 4: Probability, Section B: Experimental Probability

Geometry

- Geometry, Chapter Parallel Lines and Polygons, Unit: Angles of a Triangle, Section A: Vocabulary and Triangle Sum Theorem
- Geometry, Chapter Parallel Lines and Polygons, Unit: Polygons, Section B: Sum of Interior and Exterior Angles
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section A: Points, Lines, Planes, and Space
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section B: Segments, Rays, and Length
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section C: Segment Addition Postulate and Midpoint
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra 1

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section B: Value Problems

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section C: Interest Problems
- Algebra, Chapter Inequalities and Abs. Value Functions and Graphing, Unit 3: Functions, Section B: Domain and Range
- Algebra, Chapter Linear Equations, Unit 2: Slope-Intercept Form, Section A: Using Slope-Intercept Form to Graph a Line
- Algebra, Chapter Linear Equations, Unit 3: Writing Equations of Lines, Section D: Parallel and Perpendicular
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section A: One-Step Equations
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section B: Two-Step Equations
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section A: Equations with Fractions
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section B: Equations Involving the Distributive Property
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section A: Variable on Both Sides
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section B: Variable on Both Sides and Fractions
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section C: Variable on Both Sides and Distributive
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section A: Fractional Solutions
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section B: Beginning Formulas
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section C: Advanced Formulas
- Algebra, Chapter Inequalities and Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities

The University will use the same materials. There are no conversions.

Terms

University is granted permission for one year of unlimited use and the right to change the content to make it suitable for the program beginning February 1, 2007 and ending January 31, 2008.

Schedule of Payment

University agrees to pay Classmate a one-time fee of \$500 per lesson used, a total of \$23,000. Classmate will send invoices to the University for payment.

THIS AGREEMENT RENEWAL SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

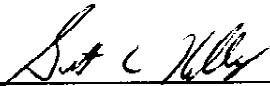
IN WITNESS WHEREOF, UT System and Classmate have executed and delivered this agreement renewal effective as of the Effective Date written above.


CLASSMATE, L.L.C. (YourTeacher):

By: 
Name: Charles Hermes
Title: CEO

Date: 1-30-7

UNIVERSITY OF TEXAS SYSTEM:

By: 
Name: Dr. Scott C. Kelley
Title: Executive Vice Chancellor for
Business Affairs

 FEB 01 2007
Date: _____

cat

SECOND (2ND) AGREEMENT RENEWAL BETWEEN THE UNIVERSITY of TEXAS SYSTEM and CLASSMATE

This **agreement renewal** between University and Contractor is made and entered into effective February 1, 2008 (the “**Effective Date**”), by and between The University of Texas System, an agency and institution of higher education established under the laws of the State of Texas (“**University**”) and Classmate also known as YourTeacher (“**Contractor**”).

The University and Classmate entered into an original agreement dated effective February 1, 2004 and the 1st agreement renewal dated February 1, 2007 for the use of learning materials for the TRACK program (“**Agreement**”).

Agreement Renewal between University and Classmate

Classmate is the sole owner of the materials contained in all of the lessons listed below.

Classmate grants the University permission to use the materials from the following products:

Pre-Algebra

- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section C: Advanced Patters.
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section B: Nets
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section C: Perspective Drawings
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section A: Congruent Figures
- Pre-Algebra, Chapter Geometry, Unit 4: Congruent and Similar Figures, Section C: Problem Solving with Similar Figures
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section B: Relations and Functions
- Pre-Algebra, Chapter Geometry, Unit 5: Graphing, Section C: Evaluating and Graphing Functions
- Pre-Algebra, Chapter Geometry, Unit 6: Transformations, Section A: Transformations
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section A: Surface Area
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section B: Volume of Prisms and Pyramids
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section C: Volume of Cylinders, Spheres, and Cones

- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section D: Word Problems
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section C: Pythagorean Theorem
- Pre-Algebra, Chapter Measurement, Unit 5: Right Triangles, Section D: Pythagorean Triples
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section B: Bar Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 1: Common Graphs and Charts, Section D: Circle Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section B: Histograms
- Pre-Algebra, Chapter Probability and Statistics, Unit 2: Representing Data, Section D: Misleading Graphs
- Pre-Algebra, Chapter Probability and Statistics, Unit 3: Central Tendency, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 3: One-Step Equations, Section A: Introduction to Equations
- Pre-Algebra, Chapter Algebraic Thinking, Unit 4: Multi-Step Equations, Section D: Modeling Two-Step Equations
- Pre-Algebra, Chapter Geometry, Unit 3: 3-Dimensional Figures, Section A: Classifying 3-dimensional Figures
- Pre-Algebra, Chapter Probability and Statistics, Unit 4: Probability, Section B: Experimental Probability

Geometry

- Geometry, Chapter Parallel Lines and Polygons, Unit: Angles of a Triangle, Section A: Vocabulary and Triangle Sum Theorem
- Geometry, Chapter Parallel Lines and Polygons, Unit: Polygons, Section B: Sum of Interior and Exterior Angles
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section A: Points, Lines, Planes, and Space
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section B: Segments, Rays, and Length
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section C: Segment Addition Postulate and Midpoint
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra 1

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section B: Value Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section C: Interest Problems
- Algebra, Chapter Inequalities and Abs. Value Functions and Graphing, Unit 3: Functions, Section B: Domain and Range
- Algebra, Chapter Linear Equations, Unit 2: Slope-Intercept Form, Section A: Using Slope-Intercept Form to Graph a Line
- Algebra, Chapter Linear Equations, Unit 3: Writing Equations of Lines, Section D: Parallel and Perpendicular
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section A: One-Step Equations
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section B: Two-Step Equations
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- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section B: Equations Involving the Distributive Property
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section A: Variable on Both Sides
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section B: Variable on Both Sides and Fractions
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section C: Variable on Both Sides and Distributive
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- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section C: Advanced Formulas
- Algebra, Chapter Inequalities and Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities

The University will use the same materials. There are no conversions.

Terms

University is granted permission for one year of unlimited use and the right to change the content to make it suitable for the program beginning February 1, 2008 and ending January 31, 2009.

Schedule of Payment

University agrees to pay Classmate a one-time fee of \$500 per lesson used, a total of \$23,000. Classmate will send invoices to the University for payment.

THIS AGREEMENT RENEWAL SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

IN WITNESS WHEREOF, UT System and Classmate have executed and delivered this agreement renewal effective as of the Effective Date written above.

CLASSMATE, L.L.C. (YourTeacher):



By: _____

Name: Charles Hermes

Title: CEO

Date: 2/8/8 _____

UNIVERSITY OF TEXAS SYSTEM:



By: _____

Name: Dr. Scott C. Kelley

Title: Executive Vice Chancellor for
Business Affairs

Date: 2/13/08 _____

cat

2004-083-03RN

**THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF BUSINESS AFFAIRS
CONTRACT PROCESSING CHECKLIST**

Rec'd UT System

JAN 29 2009

Business Affairs

2009

12

TO: The University of Texas System Office of Business Affairs #209	
FROM: Mike Bohlig, Erich Pelletier – IPSI	
DATE: January 13, 2009	
Departmental Contract Administrator: Marina Walne	
Name of Contractor: Classmate, LLC (YourTeacher)	
Contractor's <u>State Comptroller Tax Identification Number</u> ¹ : 17606286361	
Total Value of Contract: \$23,000	
Cost of Contract by Fiscal Year (please continue on another page if the contract term exceeds three fiscal years):	
<u>Fiscal Year</u>	<u>Amount</u>
2008/09	\$23,000
=====	
Account number from which contract will be funded: [REDACTED]	
Is the contractor a certified Historically Underutilized Business (HUB) firm? no	
Dollar value of work being subcontracted to HUB firms: \$ 0.00	
Purpose of Contract: Online media usage license – renewal	
Beginning Date of Contract: February 1, 2009	
Ending Date of Contract: January 31, 2010	
Is this contract an amendment, renewal, or modification of an existing contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Note: The Office of Business Affairs will retain one original of the contract. Please send a sufficient number of originals to meet each party's document retention needs.	

Acct. & Purch.- Svcs.

FEB 04 2009

RECEIVED

¹ This number should be the Texas State Comptroller of Public Accounts 11-digit taxpayer number; these numbers do not include SSNs. Please check the Comptroller's website to determine if the contractor has a Comptroller 11-digit VID; if they do not leave this line blank. For a contractor to be paid they must also be set up as a UT payee; please find guidance on this process at <http://www.utexas.edu/admin/purchasing/vid.html>. OSS-Accounting & Purchasing Services (499-4129) can assist with questions.

Yes No N/A

PART 1: ALL CONTRACTS – Please answer each of the following questions and attach the requisite approvals to this checklist:

Yes No N/A

☐ ☐ ☒ 1. If the contract is for System-wide use of computer software, computer hardware, or other information system components, have you attached a copy of the approval of the U. T. System Chief Information Officer as required by Policy Number UTS145?

☐ ☐ ☒ 2. If the contract is for the purchase of information technology hardware, software or systems development services, have you obtained the approval of the Office of Technology and Information Services as delegated in the Responsibilities section of Policy Number INT124?

☐ ☐ ☒ 3. If the contract is for the purchase or development of an electronic system that will use sensitive digital data as defined in Policy Number UTS165 (e.g., social security numbers, protected health information, sensitive research data, digital data associated with an individual and/or digital data protected by law), have you obtained the approval of the System Administration Information Security Officer?

☒ ☐ ☐ 4. a. If Office of General Counsel approval as to legal form is required by Policy Number UTS145 or otherwise, have you attached a copy of OGC's approval? Or

☐ ☐ ☐ b. If Office of General Counsel approval is not required, did you utilize the OGC Contract Review Procedures in accordance with Policy Number UTS145? Or

☐ ☐ ☐ c. Did you utilize an OGC approved standard contract?

☐ ☐ ☒ 5. If the contract being submitted contains an application for, or is subject to, a grant or sponsored program award, have you obtained a documentation review from the Grants & Contracts Manager in the Office of the Controller?

☐ ☐ ☒ 6. If the contract is for the services of a "private auditor" to audit U. T. System or a function within U. T. System, have you obtained the approval of the Texas State Auditor's Office for the scope of the proposed audit as required by Texas Government Code Section 321.020? (<http://www.capitol.state.tx.us/statutes/gv.toc.htm>)

☐ ☐ ☒ 7. a. If approval of the contract by the Board of Regents is required by Regents' Rules and Regulations, Rule 10501, Sections 2.1 and 3 (<http://www.utsystem.edu/bor/rules>), have you obtained that approval?

☐ ☐ ☒ b. If the answer to Question 7.a. is NO, does the contract contain the required statement indicating that the contract is not effective until the Board of Regents approves it?

☐ ☐ ☒ 8. If the contract has a value of \$1,000,000.00 or more, has a Disclosure Statement for Purchasing Personnel (State Agency Uniform Nepotism Disclosure Form - 6/2005) been executed by all personnel involved in the contracting process as required by Texas Government Code, Section 2262.004?

☐ ☐ ☒ 9. If the contract binds any of the institutions, have you obtained concurrence (concurrence form) from the chief business officers at the affected U. T. institutions as required by

Yes No N/A

Regents' Rules and Regulations, Rule 10501, Section 5.1(b)? (Note: Mark "N/A" if the contract permits, but does not require, the participation of an institution.)

- ☒ ☐ ☐ 10. Does the contract comply with the purchasing procedures required by the applicable System or institution purchasing agent? (Note: Mark "N/A" if UT is the party providing the goods or performing the services that are the subject of the contract.)
- ☐ ☐ ☒ 11. If the contract is for \$100,000 or more, have you complied with Policy Number UTS137 with respect to the content of the procurement solicitation document, evaluation of bids received, and inclusion of the HUB Subcontracting Plan, where applicable, as a provision of the contract and have you complied with HUB Action Plan procedure D.2.3.2? (For questions about compliance with Policy Number UTS137 and the HUB Action Plan, please contact the Senior Director of HUB Programs.)
- ☐ ☐ ☒ 12. Have you completed and attached to this checklist the list of HUB vendors who bid on this contract? (Please use the HUB Vendor List form attached to this checklist.)
- ☒ ☐ 13. Is the contract complete, with all pages, exhibits, schedules, etc., attached?
- ☒ ☐ 14. Have you determined that no member of the Board of Regents has a financial interest, directly or indirectly, in the contract? (Note: To assist you in making that determination, you may wish to include in your contract the following representation from the contractor: "No member of the Board of Regents of The University of Texas System has a financial interest, directly or indirectly, in the transaction that is the subject of this contract.")
- ☐ ☐ 15. Has the authorized person in your office or department signed or initialed the contract beside the signature line for the Executive Vice Chancellor for Business Affairs to confirm that the contract's business terms are correct and appropriate?
- ☒ ☐ 16. Have you confirmed that there are no significant risks or issues related to the contract? If there are significant risks or issues related to the contract, please elaborate below or on an additional page, if needed:
- _____
- _____

**If the contract is with another state agency, stop here and go to Part 4 of this checklist.
Otherwise, please go to the next question.**

- ☒ ☐ ☐ 17. Have you confirmed by checking with the State Comptroller's Taxpayer and Vendor Account Information that the contractor does not owe any debt or delinquent taxes to the State of Texas? (Texas Government Code, Sections 2107.008 and 2252.903 require such verification for purchases of goods or services.)
- ☐ ☐ ☒ 18. Have you prepared and filed with the other records relating to the contract a statement of the reasons for making the award to the successful bidder and the factors considered in determining which bidder offered the best value as required by UT System policy and procedure to comply with Texas Government Code, Section 2156.009?

Yes No N/A

PART 2: CONTRACTS FOR CONSULTING SERVICES – Please answer the following questions if your contract is for consulting services.² If it is not, please go to Part 3 of this checklist.

19. If your contract is for consulting services **and** the contract exceeds \$25,000, please answer the following questions; **otherwise**, please skip to Part 3 of this Checklist.

☐ ☐

a. Did the appropriate Executive Vice Chancellor sign the Major Consulting Services Contract Approval Request form? (See Policy Number UTS128) (Please attach a copy of the signed form.)

☐ ☐

b. Was a finding of fact issued by (a) the Chancellor or (b) the Governor's Budget Office prior to the signing of the contract? (See Texas Government Code, Section 2254.028).

☐ ☐

c. Was an invitation to present offers posted in the *Texas Register* a minimum of 30 days prior to signing the contract as required by statute and, if the finding of fact was issued by the Chancellor, was it included in the posted information? (See Texas Government Code, Sections 2254.028 and 2254.029)

☐ ☐

d. Have you confirmed that no officer or employee of System Administration (and no officer or employee of any other U. T. System institution that is involved in the contract) has a financial interest in the contractor or is related within two generations, either by birth or by marriage, to the contractor or an individual with a financial interest in the contractor? (See Texas Government Code, Sections 2254.032, 573.023 and 573.024).

☐ ☐

e. If an officer or employee has an interest in or is related to the owners or employees of the contractor, has this information been shared in writing with the Chancellor?

☐ ☐

f. Have you confirmed that the contractor has not been employed by U. T. System (including any institutions) or by any other state agency at any time during the last two years preceding making the offer? (See Texas Government Code, Section 2254.033). If the answer is NO, please provide the following information so that Accounting and Purchasing Services may include it in the notice it will post in the *Texas Register* after the contract is signed (see Texas Government Code, Section 2254.030)

(1) The nature of the previous employment with the agency:

(2) The date the employment was terminated: _____

(3) The annual rate of compensation for the employment at the time of termination: _____

PART 3: CONTRACTS FOR CONTRACT WORKERS, INCLUDING CONSULTANTS – If your contract involves the use of contract workers,³ please answer the following questions. If not, please go to Part 4 of this checklist.

² Consulting services are the services of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee. Please contact Accounting and Purchasing Services if you need assistance in determining whether the services you are acquiring are consulting services.

³ Contract workers are defined as "independent contractors, temporary workers supplied by staffing companies, contract company workers and consultants." If your contract primarily involves the provision of labor (as opposed to the provision of goods), it is likely a contract for contract workforce. Please check with Accounting and Purchasing Services if you are unsure.

Yes No N/A

20. If you will pay for the contract workers from funds in a budgetary account that begins with a 53, 63 or 54-0100 prefix, please answer the following questions; **otherwise**, please skip to Part 4 on the last page of this checklist.

☐ ☐

- a. Have you confirmed that the individual providing services under the contract has **not** been employed by System Administration (or by any other U. T. System institution that is involved in the contract) within the 12 months preceding the effective date of the contract? (See Texas Government Code, Section 2252.901).

☐ ☐

- b. Have you confirmed that contract workers are NOT being used in critical areas where in-house expertise should be retained or where confidentiality is important? If contract workers are being used in these areas, please explain why below:

☐ ☐ ☐

- c. Is the contract being entered into for one of the following reasons:

(1) The deadline for completing the project is such that the work cannot be completed by full-time employees due to their current workload or the training required?

☐ ☐ ☐

(2) The work involves a special expertise that is not likely to be used again or will only be used on a random basis?

☐ ☐

- d. Does the contract expressly state that the contractor is an independent contractor and not an employee of U. T. System?

☐ ☐

- e. Does the contract describe the project or scope of work and provide that payments are made after services are rendered?

☐ ☐

- f. Does the contract state the standard or level of performance that the contractor is required to meet (such as "good and worker-like manner" or "best efforts, skill and judgment in accordance with the contractor's profession and applicable laws")?

☐ ☐ ☐

- g. Does the contract make it the responsibility of the contractor to hire, train, pay and maintain its own employees (if any) for the performance of the services under the contract?

PART 4: ALL CONTRACTS



☐ ☐

21. Did you answer YES or N/A to every question on this checklist that you are required to answer for your contract? If you answered NO to any such question, please list below the question number and explain why the answer is no; please continue on an additional page, if needed.

❧ Thank you for completing this checklist. ❧

HUB Vendor List

List the Historically Underutilized Business (HUB) vendors who bid on the contract and mark their ethnic and gender category.

Name:	Asian Pacific	Black	Hispanic	American-Indian	Woman Owned
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OFFICE OF GENERAL COUNSEL

The University of Texas System
201 West 7th Street
Austin, Texas 78701
Telephone (512) 499-4462 Fax (512) 499-4523

Writer's Direct Number:
(512) 499-4474

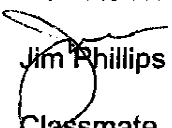
Writer's Email Address:
jphillips@utsystem.edu

Jim. Phillips
Senior Attorney

January 13, 2009

MEMORANDUM

TO: E. Michael Bohlig, Ph.D.
Associate Director of Research and Evaluation
Interim Director, College Readiness
Institute for Public School Initiatives (IPSI)

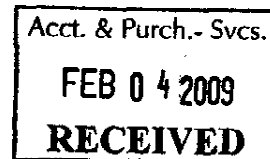
FROM:  Jim Phillips

SUBJECT: Classmate - Third Agreement Renewal for Math Education Materials,
OGC# 116356

Pursuant to your request, I have reviewed the above-referenced agreement and, finding no legal objection, approve the document as to form.

If you have any questions concerning the above agreement, please contact me.

JMP/css



THIRD (3RD) AGREEMENT RENEWAL BETWEEN THE UNIVERSITY of TEXAS SYSTEM and CLASSMATE

This **agreement renewal** between University and Contractor is made and entered into effective February 1, 2009 (the **"Effective Date"**), by and between The University of Texas System, an agency and institution of higher education established under the laws of the State of Texas (**"University"**) and Classmate also known as YourTeacher (**"Contractor"**).

The University and Classmate entered into an original agreement dated effective February 1, 2004 and the 1st agreement renewal dated February 1, 2007 for the use of learning materials for the TRACK program (**"Agreement"**). The 2nd agreement renewal was dated effective February 1, 2008 and extended the Agreement to January 31, 2009.

Agreement Renewal between University and Classmate

Classmate is the sole owner of the materials contained in all of the lessons listed below.

Classmate grants the University permission to use the materials from the following products:

Pre-Algebra

- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section C: Advanced Patters.
- Pre-Algebra, Chapter Geometry, Unit 3: 3 Dimensional Figures, Section B: Nets
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- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section C: Volume of Cylinders, Spheres, and Cones
- Pre-Algebra, Chapter Measurement, Unit 4: Surface Area and Volumes, Section D: Word Problems
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- Pre-Algebra, Chapter Probability and Statistics, Unit 3: Central Tendency, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 1: Patterns, Section D: Word Problems
- Pre-Algebra, Chapter Algebraic Thinking, Unit 3: One-Step Equations, Section A: Introduction to Equations
- Pre-Algebra, Chapter Algebraic Thinking, Unit 4: Multi-Step Equations, Section D: Modeling Two-Step Equations
- Pre-Algebra, Chapter Geometry, Unit 3: 3-Dimensional Figures, Section A: Classifying 3-dimensional Figures
- Pre-Algebra, Chapter Probability and Statistics, Unit 4: Probability, Section B: Experimental Probability

Geometry

- Geometry, Chapter Parallel Lines and Polygons, Unit: Angles of a Triangle, Section A: Vocabulary and Triangle Sum Theorem
- Geometry, Chapter Parallel Lines and Polygons, Unit: Polygons, Section B: Sum of Interior and Exterior Angles
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section A: Points, Lines, Planes, and Space
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section B: Segments, Rays, and Length
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section C: Segment Addition Postulate and Midpoint
- Geometry, Chapter Introduction to Geometry, Unit 2: Basic Figures, Section D: Angles and Measures

Algebra 1

- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section A: Age Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section B: Value Problems
- Algebra, Chapter Word Problems, Unit 2: Age/Value/Interest Problems, Section C: Interest Problems
- Algebra, Chapter Inequalities and Abs. Value Functions and Graphing, Unit 3: Functions, Section B: Domain and Range
- Algebra, Chapter Linear Equations, Unit 2: Slope-Intercept Form, Section A: Using Slope-Intercept Form to Graph a Line
- Algebra, Chapter Linear Equations, Unit 3: Writing Equations of Lines, Section D: Parallel and Perpendicular
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section A: One-Step Equations
- Algebra, Chapter Equations, Unit 1: Beginning Equations, Section B: Two-Step Equations
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section A: Equations with Fractions
- Algebra, Chapter Equations, Unit 2: Intermediate Equations, Section B: Equations Involving the Distributive Property
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section A: Variable on Both Sides
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section B: Variable on Both Sides and Fractions
- Algebra, Chapter Equations, Unit 3: Advanced Equations, Section C: Variable on Both Sides and Distributive
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section A: Fractional Solutions
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section B: Beginning Formulas
- Algebra, Chapter Equations, Unit 5: Fractions and Formulas, Section C: Advanced Formulas
- Algebra, Chapter Inequalities and Absolute Value..., Unit 1: Inequalities, Section A: Solving and Graphing Inequalities

The University will use the same materials. There are no conversions.

Terms

University is granted permission for one year of unlimited use and the right to change the content to make it suitable for the program beginning February 1, 2009 and ending January 31, 2010.

Schedule of Payment

University agrees to pay Classmate a one-time fee of \$500 per lesson used, a total of \$23,000. Classmate will send invoices to the University for payment.

THIS AGREEMENT RENEWAL SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

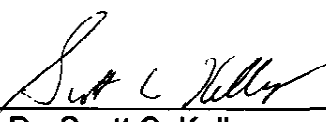
IN WITNESS WHEREOF, UT System and Classmate have executed and delivered this agreement renewal effective as of the Effective Date written above.

CLASSMATE, L.L.C. (YourTeacher):

By: 
Name: Charles Hermes
Title: CEO

Date: 1/28/9

UNIVERSITY OF TEXAS SYSTEM:

By: 
Name: Dr. Scott C. Kelley
Title: Executive Vice Chancellor for
Business Affairs

Date: 1/29/09

HBW