

RSO Negotiating Contracts: Best practices

1. When speaking with an agent/artist, always introduce yourself, your title and school name. Make sure to get the full name of the agent to whom you are speaking.
2. Always inform the agent/artist that you are only calling for information today and not to book something on the phone this minute. Remember that no event should be contracted prior to receiving funding from the Student Finance Board.
3. While discussing information, do not feel obligated to make a decision immediately. Be upfront and honest with the agent that you are merely gathering information and that you may not be the final decision-maker. You can further tell the agent that before you can commit to a contract you will have to consult with your Advisor, Executive Board, or entire organization; and that you need to seek funding approval from SFB.
4. Make sure to ask the agent/artist every question you can think of to make sure you have a clear understanding of the details of the performance and the expectations of what you are about to agree to commit yourself and your organization to do.
5. Possible “hidden” fees to ask about include:
 - a. Security
 - b. Lodging – try to negotiate an all inclusive offer
 - c. Catering/Hospitality
 - d. Travel – try to negotiate an all inclusive offer
 - e. Power
 - f. Insurance – is extra needed?
 - g. Your Publicity or Theirs
 - h. Overages/Length of Set
 - i. Production (sound and lighting)
 - J. Q & A, Receptions/Dinners, Workshops

All of these “hidden fees” should be included in the fee and negotiated beforehand. You can also request an “all inclusive” price and establish one fee for everything. Make sure these are factored into your budget request with SFB.

6. Two items an agent may ask you to take care of, but is strongly advised against:
 - a. Booking the Lodging in Your Name
 - b. Booking the Travel in Your Name
7. How can you save money on a booking?
 - a. Are your dates flexible?
 - b. Block Bookings (artist is already performing in the same regional area)
 - c. Day Time Performances vs. Evenings
 - d. Short Notice Bookings

8. Always try to sound firm and organized. Have a checklist of questions ready to ask.
9. Best advice: listen to the sound of the agent/artist's voice. Eventually, you will be able to tell when they have reached their lowest negotiating price.

Negotiating Contracts: Business Ethics

1. Usually executive board members are allowed to begin negotiations and to formally request contracts with agencies. You should not request a contract until your organization has voted and agreed to sponsor the event, and funding approval from SFB has been granted.
2. Advisors for student organizations should no longer sign contracts; student organizations should determine amongst themselves who their "signatory" will be for the year. It is recommended that this person is an executive board member for the organization. CUB, SFB, and SG, due to having College assigned advisors, must work with their advisor to have contracts signed by the College.
3. If the vendor you are working with does not have his or her own contract, The Office of Student Life has a sample contract that can be used as a guide.
4. The Office of Student Life offers assistance with reviewing contracts and discussing event programming details. Please reach out to studentlife@tcnj.edu to schedule a meeting.
5. Ethically, oral agreements by the agent, artist or student should be honored, but legally are not binding until both parties sign a written contract. Pay close attention if an agent asks you to submit an offer form, do not submit these for an artist as they may act as a binding agreement. It is advised that you should not sign a contract before it has been reviewed and edited. The agent/artist should always initial acceptance of all changes, sign the contract first and return it to you for final signatures on the contract.
6. It is your responsibility to understand all the terms of any agreement before you verbally accept it and certainly before you agree to it in writing. Ask questions until you understand everything. The agent/artist is responsible for answering questions to your satisfaction.
7. It is your responsibility to provide accurate information regarding facilities to the agent/artist. Things they may need to know are how close and where they can park; that driving is prohibited on the sidewalks; how many steps they may have to climb or if an elevator is available; power availability; that smoke, fog and mist machines are not permitted at TCNJ.
8. During negotiations, and in writing, agree to how and when payment will be made. It is generally advisable to avoid the payment of a deposit whenever possible. SFB will not pay deposits. Do not pay cash. Agree in writing to pay following a successful performance, not prior to performance. Do not promise payment on a specific date. Make sure you have the

agent/artist's social security number or federal ID number – obtained through a W-9 form. You will also need an invoice to process the payment.

9. In addition to time, date, place, fee, etc. any other expectations of the artist should be verbally discussed and agreed to in writing such as time of arrival for set-up, meals, hotel, Q & A sessions, book signings, interviews with student media, receptions and or lunches/dinners and insurance.

10. Contracts or purchases with businesses or individuals at or over \$4,995 require by New Jersey state law the completion of a New Jersey Business Registration Certificate before they can be paid. It is your responsibility to assist the vendor with notification and to the degree possible, help them to understand the law and comply. Payments over \$17,500 will require NJ Chapter 51 compliance and payments over \$33,300 will require TCNJ Board of Trustee approval. You can forward Agents the purchasing guidelines:

<https://finance.tcnj.edu/purchasing/purchasing-guidelines/>

11. It is advisable not to advertise the program prior to having a signed contract unless the agent/artist has given permission in writing. Only use authorized press materials and not things you find on a web site. Using copyrighted materials for ads is against the law.

12. A professional staff member in the Office of Student Life is available to review all contracts to ensure that all negotiated details of the event are correct. The terms and conditions and riders of contracts often need to be edited. Contracts are generally written in favor of the artist/agency, and it is your organization's responsibility to ensure that contracts are amended in an effort to fairly balance responsibility. Please reach out to studentlife@tcnj.edu to schedule a meeting.

13. High profile and high-risk events require the artist/vendor to provide us with a certificate of liability insurance, listing us as additionally insured in the policy. The policy shall name (ORGANIZATION'S NAME), their members and advisors, The State of New Jersey, The College of New Jersey, and the New Jersey Educational Facilities Authority as an additional insured against all legal liability claims arising out of, or occasioned by, or resulting from the operations of the vendor or the actions of the vendor's personnel. Said coverage shall be for personal injuries or property damage with limits of not less than \$1,000,000.00 per occurrence