CONTRACT PACK

USER'S GUIDE
CONTRACT PACK V19.0

This documentation covers all editions of "Contract Pack". Some files referenced in the documentation may not be included in your specific edition of the Contract Packs.

The "Contract Pack Professional" edition which is only included in "Proposal Kit Professional" is the only edition which includes the entire collection of documents.

https://www.ProposalKit.com

TABLE OF CONTENTS

WHAT'S NEW IN V19

🔲 The major addition to the new version of the Contract Packs is the introduction of the line item quoting system added to the Wizard software that is bundled with the Contract Packs.

🔲 Changed all Twitter references to X.

🔲 Upgraded the installers certificates to an EV level code signing certificate to work with Microsoft's recent security updates.

WHAT'S NEW IN V18

🔲 All Word documents have been converted from the legacy Word 2003 .doc format to the current Word .docx format.

🔲 All Excel spreadsheets have been converted from the legacy Excel 2003 .xls format to the current Excel .xlsx format.

🔲 The Wizard software has been updated to remove all legacy Word 2003 support and now only works with the current Word and Excel file formats.

WHAT'S NEW IN V17.1

🔲 Increased the number of licenses from three to five per purchased license.

🔲 Updated the HTML organizer with more readable fonts and updated graphics.

⊞ Added a reminder to the Windows installer that the Wizard software is a separate installer that requires Word for Windows to be installed first plus checks to see if Word is installed.

WHAT'S NEW IN V17

⊞ 19 new contracts, agreements and related documents have been added (340 total): Hosting and Support Services Memorandum, Minor Model Release, Simple Work Authorization Agreement, Contract Signature Change Authorization, Copyright Infringement Worksheet, Service Termination and Settlement Agreement, Service Termination and Settlement (No Migration), Service Termination and Settlement (Server Migration), Account Termination Notification Letter, Annual Corporate Meeting Minutes, Notice of Intent to Vacate Property Letter, Vendor and Supplier Profile Worksheet, Company Vendor Change Of Address Letter, Expense Reimbursement Plan, Wellness Reimbursement Request, Employee Performance Goal Setting Worksheet, Employee Reprimand Notice Letter, Vehicle Rider Indemnity Agreement, Letter of Intent Agreement

⊞ Changed the <<Fixed Rate>> mail merge tag to <<FixedRate>>.

⊞ All existing documents with tables have been updated so the tables are compatible with the Wizard software's new color scheme features. The Wizard will apply the selected color scheme to the contract templates.

WHAT'S NEW IN V16.1

⊞ Interface updates for better Internet Explorer 10 support.

WHAT'S NEW IN V16

🪟 9 new contracts, agreements and related documents have been added (321 total): Web Application Support Services Contract, Software Build Requirements, Software Test Use Case (Individual), Software Test Use Case (Master Plan), Interactive Creative Brief Worksheet, Notice of Rate Decrease Letter, Notice of Rate Increase Letter, Software and Services Quit Claim, Personal Technology Usage Policy

WHAT'S NEW IN V15.1

🪟 All 310+ documents have been reformatted to use the new custom Word "Styles" supported by the Proposal Packs and Proposal Pack Wizard software. Now all text can be instantly changed by modifying the custom Word "Styles" settings. Also, all text can be automatically reformatted by the Proposal Pack Wizard software and all text will be consistent when combining both proposals and contracts together in the Proposal Pack Wizard software.

🪟 Some minor spelling and grammar errors were fixed in some of the documents.

WHAT'S NEW IN V15

🪟 40 new contracts, agreements and related documents have been added: Speaking Engagement Contract, Audio Recording / Voice Talent Contract, Broker Commission Sales Agreement, Model Release Agreement with Witness, Special Event Multiple

Model Release with Witness, Multiple Model Release with Witness, Property Release Agreement with Witness, Multiple Property Release with Witness, Pocket Photo Release with Witness, PAD Software Distribution Clickwrap Agreement, Interactive Service Disclaimer Policy, Age Verification Policy, Customer Complaint Policy, Shipping Policy, Customer Survey Form, Essential Functions Priority List, Continuity Plan Worksheet, Decline of Business Credit Letter, Request to Expedite Payment Letter, Petty Cash Policy, Sexual Harassment Complaint Form, Conflict of Interest Policy, Employee Transfer Notice Letter, Employee Demotion Letter, Employee Reinstatement Notice Letter, Exit Interview Worksheet, Jury Duty Release Request Letter, Employee Salary Reduction Letter, Employee End of Probation Notice Letter, Emergency Team Members List, Schedule Disruption Notice Letter, Durable Power of Attorney Agreement, Application for Records Retention Form, Authorization for Records Destruction Form, Formal Record Hold Investigation Form, Formal Record Hold Notice Form, Release of Legal Hold Notice Form, Record Retention Schedule Change Form, Legal Hold and Discovery Log, Records Disposition Log

All contract documents have been reformatted to fonts and font sizes matching the Proposal Pack templates to ensure consistent formatting when Contract Pack documents are processed with the Proposal Pack Wizard software. For the most part, previous versions of Contract Pack used Times New Roman 10pt fonts which have been changed to 11pt.

Some photography releases have been updated with extra tips regarding getting signatures for stock use as some stock agencies require witness signatures.

A new Records Management category has been added to the Professional version with forms and letters for use in a Records Management system (i.e. legal holds, authorization to dispose of records, etc).

WHAT'S NEW IN V14

21 new contracts, agreements and related documents have been added: Engagement Welcome Letter (Verbose), Manufacturing Contract, Social Networking Services Contract, Special Event Multiple Model Release, Multiple Property Release Agreement, Prepackaged Software Service Level Agreement, Software Trial License Agreement, Contract Salesperson Agreement, Copyright Cease and Desist Notification Form (Verbose), Patent Infringement Cease and Desist Form, Security Breach Report Form, Collections Letter for Invalid Payment, Maintenance Contract Termination Letter, Asset Destruction Loss Worksheet, Debt Transfer Agreement, Telecommuting and Remote Work Policy, Financial Conflict of Interest Report, Employee Overtime Authorization Form

Refinements to the desktop organizer and documentation.

Added Quick Link drop down menus to the desktop organizer.

Fixed minor typo in the General Services Agreement.

Added a job number reference to the Multiple Model Release Agreement.

Updated the PDA Usage Policy to include smartphones.

Minor cosmetic cleanup to a number of documents to make terms used consistent across all Contract Pack documents.

WHAT'S NEW IN V13

19 new contracts, agreements and related documents have been added: Engagement Letter, Engagement Letter with Services Agreement, Adult Web Site Hosting Agreement, Single Page Web Hosting Contract, Adult Content License Agreement, Title 18 Section 2257 Record Keeping, Adult Model Release Agreement, Multiple Model Release Agreement, Mobile Software Development Contract, Adult Web Hosting Acceptable Use Policy, Adult Web Site Entrance Policy, Web Hosting Shutoff Notice, Software Training Plan, Applicant Consent to Release Information, Consent for Voluntary Polygraph Testing Form, Employment Interview Rejection Letter, Employment Offer Rejection Letter, Internship Agreement (Non-Technical), Internship Agreement (Technical/IT)

Changed the "civil damages of up to $250,000" to "statutory damages of up to $150,000" in the Software Return Request Form template.

Changed "Contractor' best expenses" to "Contractor' expenses" in the Pre-Contract Agreement.

Changed the internal title of the Usage Agreement from "NON-EXCLUSIVE COPYRIGHT LICENSE" to "NON-COMMERCIAL COPYRIGHT LICENSE".

A Job Number field was added to the Agency Photo Shoot Model Release Agreement.

A Job Number field was added to the Model Release Agreement.

A Job Number field was added to the Pocket Photo Release Agreement.

A Job Number field was added to the Property Release Agreement.

Minor cosmetic cleanup to a number of documents to make terms used consistent across all Contract Pack documents.

WHAT'S NEW IN V12

30 new contracts, agreements and related documents have been added: On Site Computer Repair and Support (short), On Site Computer Repair and Support (long), Equipment Rental Agreement, Projector Rental Agreement, Project Consulting Override, Project Additional Expense Form, Contract Renewal Form, Software Joint Venture Development Agreement, Software EULA and Warranty Agreement, SAAS Software as a Service Agreement, SAAS Software as a Service Client License, SAAS Software as a Service Clickwrap Agreement, Affiliate / VAR Termination Agreement, Second Notice of Overdue Account, Customer Notice of Corrective Action, Notice of Rejected Payment Letter, Claim of Lien, Waiver and Release of Lien, Purchase Order Template, Customer Thank You Letter, Affidavit of Fictitious Business Name, Customer Business Credit Application, Approval of Business Credit Notice, Company Credit Reference Request, Employment Verification Letter, Employee Letter of Commendation, Employee Letter of

Excessive Absenteeism, Employee Notice of Corrective Action, Joint Business Entity Agreement, General Release Agreement

📄 Added a new mail merge tag <<EffectiveDate>> for contract use.

📄 Changed title of Software EULA to Software Licensing and Royalty Agreement.

📄 New category of contracts added: Business Contracts.

📄 Many existing documents have had minor formatting updates to help make the collection more consistent in design.

📄 Spun off a collection of templates into a new product: Contractors Contract Pack

📄 Spun off a collection of templates into a new product: Advertising/Marketing Contract Pack

📄 Spun off a collection of templates into a new product: IT/Software/Hardware Contract Pack

WHAT'S NEW IN V11

📄 Minor grammar changes made to some documents.

📄 Four new categories of contracts have been added: Advertising and Marketing, Graphics and Printing, Computer Systems and Internal Company Plans.

📄 41 new contracts, agreements and related documents have been added (over 144 pages of new material): Authorization to

Start Work, Replication Quote Order Form, Email Marketing Creative by Agency Agreement, Email Marketing Creative by Designer Agreement, Pay Per Click (PPC) SEO Campaign Services Contract, Signage and Printing Order Form, Print Quote Form, Colocation Hosting Short Form Contract, Managed Hosting Service Level Agreement, Web Hosting Change Addendum, Pocket Photo Release Agreement, Photo Reprint Rights Agreement, Photo Credit Waiver, General Services Agreement, Repair Estimate Quote, General Contractor Work Order, Right of First Refusal Partnership Agreement, Right of First Refusal with Non-Disclosure Agreement, Works for Hire Agreement, Project Acceptance Partial Signoff, Project Acceptance Simple Signoff, Software Development Plan, Reprint Rights Agreement, SEO Services Reseller Contract, Disaster Recovery Plan, Software Disaster Recovery Plan, Human Resources Guide Update Addendum, PDA Usage Policy, Wireless Networking Usage Policy, Application for Employment, Employment Non-Compete and Non-Disclosure, Drug and Alcohol Testing Consent Form, Employee Promotion Authorization Form, Employee Notice of Salary Increase Form, Employee Injury Report Form, Expense Report, Hourly Services Agreement, Company Equipment Checkout Form, Agency Photo Shoot Model Release Form, Employee Grievance Form, Employee Demotion Form

- Many existing contracts have been updated with new replaceable tags and consistent usage of terms.

- Added 20 new standard mail merge tags to many documents: <<ContractCompany>>, <<Approver>>, <<Month>>, <<Amount>>, <<Supervisor>>,<<Department>>, <<InsuranceCoverageAmount>>, <<Credits>>, <<SSN>>, <<HREmail>>, <<HRPhone>>, <<HRContactName>>,

<<TimeZone>>, <<Date>>, <<Minutes>>, <<Hours>>, <<Days>>, <<Months>>, <<Years>>, <<Weeks>>

WHAT'S NEW IN V10.1

📄 Due to security issues in Windows Vista all of our products including Contract Pack have been moved from the c:\Program Files\ProposalKit install folder to c:\ProposalKit. This change was made to prevent users having their documents installed in read-only mode which happens when installed in the c:\Program Files folder in Windows Vista.

📄 Minor grammar changes made to some documents.

📄 Fixed a misspelling in the Subcontractor agreement "finding" changed to "binding".

📄 Fixed the Non-Compete clause in the Subcontractor Agreement #2. Changed "Subcontractor" to "Company" at the 2nd of the second sentence..

WHAT'S NEW IN V10

📄 35 new contracts, agreements and related documents have been added (over 110 pages of new material): Email Marketing and Campaign Agreement, Wedding Photography Agreement, Services Retainer Agreement, Exhibit B (Wedding Photography Specifications), Exhibit G (Business Requirements), Milestone Waiver Agreement, Open Source Application Development Agreement, Open Source Software Installation Agreement, Software Testing Plan, Sale of Used Equipment Terms and

Conditions, Data Center Physical Access Policy and Agreement, Spam and Unsolicited Commercial Email (UCE) Policy, Contractor Employment Resignation, Employee Resignation Agreement, Employee Resignation Agreement (Non-Compete), Partnership Dissolution Agreement, Letter Before Debt Recovery Action, Billable Services Reference Sheet, ACH Transaction Authorization Form, Human Resources Guide, Company Sexual Harassment Policies and Procedures, Company Job Description Form, Offer of Employment Letter, Employee Performance Evaluation Form, Company Internet and Asset Usage Policy, Company Vacation Policy, Company Vacation and Sick Leave Policy, Employee Leave Request Form, Employee Absence Report Form, Statement of Domestic Partnership Form, Domestic Partnership Termination Form, Employee Termination Letter, Employee Suspension Notice Letter, Company Layoff Notice Form, Company Layoff Notice with Severance Form.

- Added new mail merge tags to many documents: <<ContractFirstName>>, <<ContractLastName>>, <<ContractJobTitle>>, <<FixedRate>>, <<DeliveryDate>>, <<StartDate>> and <<EndDate>>.

- Updated all existing contracts to use more mail merge tags for better Proposal Pack Wizard integration.

- Updated all existing contracts to replace many fill-in-the-blank underlines with descriptive text about what is to be inserted.

- All documents are now saved in standard Word format (instead of RTF format), compatible with many other word processors and platforms.

WHAT'S NEW IN V9

■ 20 new contracts, agreements and related documents have been added (100 pages of new material): Affiliate Terms Policy, Assignment Photography Agreement, Royalty-free Authorized Use Only Stock Photography EULA, Royalty-free Stock Photography EULA, Rights Managed Stock Photography EULA, Photo Reprint EULA, Self Service Photo Reprint EULA, Software Co-development Agreement, Data Storage and Backup Agreement, Database Software Development Agreement, Data Center Security Policy, Email Hosting Contract, Outsourced Help Desk Contract, Safe Harbor Policy, Software Acquisition Agreement, Game Software Development Contract, Software Requirements Specifications, Statement of Work, Trademark Violation Cease and Desist Letter, Translation Services Contract.

■ Reorganized some existing documents in product organizer.

■ Improvements to product organizer.

WHAT'S NEW IN V8

■ 22 new contracts, agreements and related documents have been added (59 pages of new material): Advertising and Promotion Agreement, Affidavit of Original Work, Affidavit of Original Work and Release, Affidavit of Copyright with Release with Non-Original Works, Chargeback Reversal Agreement #1, Chargeback Reversal Agreement #2, Computer Support Contract, Copywriting Agreement, Employment Agreement, Equity Investment Agreement, Hosted Services ASP Contract, Photography Services Agreement, Project Acceptance Signoff

#2, Subcontractor Agreement #2, Syndication Agreement, Canadian Web Project Short Form Agreement, Acceptable Use Policy, Colocation Hosting Contract, Dedicated Hosting Contract, Final Notice of Overdue Account, Notice of Overdue Account, Termination of Account Notice.

WHAT'S NEW IN V7

■ 28 new contracts, agreements and related documents have been added (over 100 pages of new material): CD-ROM Replication Contract, CD-ROM Project Development Contracts for Canada (including Quebec), Australia and the UK, Video/Multimedia Production Contract, Graphic Design/Logo Design Contract, General Software Development Contract, SEO Services Contract, Computer Hardware/Networking Contract, General Small Project Work Order Agreements (2 versions), More Exhibit and Schedule Attachments, Software Reviewers Agreement, Software Beta Testers Agreement, Software Product Inclusion Agreement, Software Product Return Agreement, 3rd Party Web Hosting Reseller Agreement, Software Problem Report Form, Extending Credit to Client Application, Authorization for Credit Card Charge Signature Form, Agreement to Compromise Owed Debt Agreement.

■ PDF versions of all documents are included for comparison purposes if using word processors other than Microsoft Word and you want to check your formatting against the intended formatting.

■ Major edits and rewrites to the existing Canadian/Quebec Web Site Development Agreements.

- Contract Pack is bundled as a SIT file for a single install source for Mac and as a TAR.GZ file for Linux.

- Contract documents have been reorganized into a more manageable directory structure.

- Minor edits to the existing US CD-ROM Development Contract.

- All documents have been updated and edited for consistency. Note: No changes have been made to any existing contracts due to changes in any laws. The 7.0 upgrade does not invalidate any existing documents already in use.

- Contract Pack is now officially supported in more operating systems including Windows, Macintosh and Linux.

- Contract Pack documents are now supported across many word processors (not just Word). Documents now operate in Word (all versions), Word Perfect, Star Office, OpenOffice.org and Appleworks. Some word processors and older versions may not display the formatting 100% as intended due to platform differences. Minor formatting changes can be manually fixed the first time you use a document (such as changing the font size or font of a sentence). Best results will be had in the following order: Microsoft Word (all versions), OpenOffice.org, StarOffice, Word Perfect, Appleworks. PDF versions of all documents are included for comparison to the original intended formatting.

- All proprietary Word mail merge tags have been replaced with cross-platform compatible plain text tags. This resolves past issues with using Contract Pack documents with word processors other than Microsoft Word and having the mail merge tags drop out completely from the documents.

■ Added more documentation for multi-platform issues, examples of common situations and how to use a variety of Contract Pack documents together as a system and documentation on which documents work best together as a group.

■ HTML organizers have been broken into multiple pages. PDF document links have been added for each document. Recommended documents related to each document are now included in the document descriptions to aid in putting together a comprehensive collection of project documents as a contract management system (pre-project agreements, project development contracts and attachments, project change forms, project problem reports during development followed by project acceptance sign off forms, etc.). Alternate documents are also listed when there are other possible variations on a document such as short and long versions or variations on clauses such as a client-centered version of a contract versus a developer-centered version.

■ If you are using Microsoft Word for Windows 2000+ and you are using our Proposal Pack Wizard add-on software and our Proposal Packs for writing your proposals, the Wizard (sold separately) can now be setup to automatically copy the contents of a Contract Pack document into the various templates include in the Proposal Packs. For example, you can automatically have the Web Site Development Contract from the Contract Pack included in the Contract and Terms blank template from Proposal Pack.

WHAT'S NEW IN V6

⊞ Signature lines have been updated to be consistent across all applicable contracts and agreements.

⊞ Initial lines have been added to each page of multi-page contracts and agreements.

⊞ Minor cosmetic updates have been made to some contracts.

⊞ Some Web Site Development contracts have been updated with new clauses to clarify ownership issues.

⊞ 23 new contracts, agreements and checklists have been added: Agency Agreement, Computer Consulting Contract, Permission to Quote, Permission to Reprint Testimonial, Milestone Acceptance Signoff, Project Acceptance Signoff, Bug Report, Hosting Reseller Agreement, Demand for Release of Domain Name, Contract Dissolution, Contract Addendum, Assign Ownership of Domain Name, Copyright Transfer Short Form, Quebec Canada Web Site Development Contract, Client-Centered USA Web Site Development Contract, Client-Centered Canada Web Site Development Contract, Client-Centered Quebec Web Site Development Contract, Preexisting Material Exhibit C, Address Schedule D, Permission to Quote Log, Photo Usage Permission Log, Australian Web Site Development Contract Short Form, Australian Web Site Development Contract Standard Form.

⊞ Documentation has been updated.

WHAT'S NEW IN V5.1

■ Added a web based desktop organizer web page for easy access to materials with better organization of the documents.

■ Added this new file including additional documentation.

■ Contract Pack is now available as a separate product. These materials were previously only available as part of Proposal Kit.

WHAT'S NEW IN V5

■ A number of new templates have been added.

■ More documentation, tips and tricks have been added to this guide.

WHAT IS "CONTRACT PACK"?

Contract Pack is a set of pre-written templates for most of the common situations a professional will encounter. All of the templates include completely pre-written text ready to be modified to suit your unique needs. Our template collection has been designed by and for the professionals who use them. These documents are used by the various multimedia professionals who commissioned them, plus we have had many new documents created by special request. The collection as a whole will meet most (if not all) of your needs. Many documents are designed to be used on an as-needed basis or as part of a system (i.e. initial contract, contract change forms, milestone acceptance signoff, final project acceptance signoff, problem reports, separate maintenance agreement, etc.).

Collections of contracts have also been bundled together in smaller editions which are applicable to any kind of business such as our Human Resources Contract Pack. If you are using an edition or subset of documents which are not specifically web or IT related, disregard the documentation specific to those industries.

There are short form project contracts which can be used by graphic artists, writers and developers of small projects. We also include longer contracts for more complex projects specifically tailored for web site development, software development, hardware/IT projects and even CD-ROM production.

Since most projects have the requirements changed after the initial contract is signed, we also include contract change forms to amend the original contracts. This can allow you to more easily

change project deadlines and charge the client for extra work. This is very important to help prevent such things as "feature creep", cost overruns and missed deadlines.

Contract Pack is designed to give you an easy-to-edit set of industry standard contract templates for specialized situations without requiring expensive proposal automation software. We supply professionally designed and cost effective ready-made sets of documents without the need for expensive automation software.

The benefits of high-end automation wizards are mainly for large organizations, government contractors and large sales forces with centralized databases. For virtually everyone else, these systems would be overkill and too expensive.

The tools and processes used to create this kit have been developed over the many years based on business consulting as well as extensive feedback from Proposal Kit/Contract Pack users.

Review the contract and documents carefully and tailor the wording to your business and your client's needs. Have your attorney review any changes to the contracts. Many interdependencies between various documents tie the system together. The milestones checklists are tied to payment plans. The payment plan documents are part of the exhibits for the contract. The payments, milestones and contracts are tailored so that you will receive compensation during the course of the project rather than all on delivery (in case the work is stopped for any reason). When customers pay monies up front, they have a vested interest in the project. The system as a whole is designed to assist in minimizing both your risk and your client's by detailing each

responsibility and clarifying ownership, costs, etc. This can get complicated once a project turns into a collaborative project with many copyright holders.

We work with attorneys specializing in intellectual property in multiple countries to create our development contracts and other agreements with the intent of giving the most protection possible to both the developer and the client.

So you found a "free" contract on the web? Comparing our contract and agreement collection to a freebie is like comparing an economy rental car to a high end sports car. Our contracts have been designed based on years of software and Internet experience. We capture the nuances from that experience in our materials which have been written by software development, consultant, copyright, Internet and Intellectual Property (IP) specialists. Our basic 4 page web development contract cost $1000.00 (USD) to have developed, and that is only one of many contracts and agreements included. Our agreements are not generic, cheap knockoffs. They have been developed by and for web professionals for use in their own businesses and are also included in Proposal Kit/Contract Pack. We review free resources on occasion and have yet to find anything as comprehensive as our collection of materials.

Many web developers are now performing CD-ROM development services for clients. There are many additional problems that can occur in a CD-ROM production not found in web site development (even if it is a simple PowerPoint presentation or a web site on a CD). Our CD-ROM development contract is used in our own CD-ROM production company and captures the additional nuances required by a CD-ROM project. We also include a free report on

avoiding the common problems of creating a CD-ROM for a client. A web site may be easy and cheap to repair but once you burn 1,000 or 10,000 copies of a CD-ROM you don't want to be liable for reburning them if the client's presentation has a glitch, or their company logo is not the exact color shade.

We view web sites as licensed software and collaborative projects, which means you the developer retain the copyright and ownership of the software created. In a collaborative project there are usually multiple copyright owners. The client still retains the rights to the material they own and supply, 3rd party sources retain the copyrights to their individual components and the web site developer (if not doing work for hire or as an employee) retains the copyright to the overall project. This is very similar to how magazines and books are published.

It is important that you, the developer, retain the rights to your intellectual property, especially if it is work you created before contracting with your client or you plan on using any of it in future work. If you give complete ownership to your client (and yes, they usually will want this right and think that is what they get by contracting for your time and services) you could be preventing yourself from using your own work in the future.

Make sure that if you sign over ownership to the client that they only get rights to the derivative works you created for them that were based on your preexisting material. For example, all of our web sites look different on the surface; however the underlying web pages and scripts are all copied from preexisting sites and templates.

If you have to negotiate the contract to give ownership to the client make sure there are provisions that you retain copyrights to preexisting materials and the client receives non-exclusive rights to those materials.

The only time a client should receive absolute ownership of the whole project is if you are creating it from scratch with all original content owned by the client or created for the project and you have no intention of ever using any parts of the project for future projects. If this is the case, you should charge more for the project as you are being prevented from building up your library of materials to leverage for future use. You may also want to consider retaining ownership of the material during development and only sign over ownership to the client after you are paid in full for the project. There is a Project Copyright Transfer Agreement included.

Do not be overly concerned if a client says no to your proposal or contract initially. You can negotiate the terms to come to an equitable arrangement. Sometimes all it takes is helping educate your client on how rights to software are typically granted and why.

We have also included a short form web development agreement for use with small projects, as a long contract can cause concern with some clients. This will come in handy for small scale projects.

If you also provide additional multimedia services such as CD-ROM business cards, Flash development or other presentations, we also include a presentation development contract.

You may shorten the contract by removing clauses that do not apply from the contract. Be very careful about removing clauses that give you or your client specific protections and rights. Usually

a contract is only needed when parties have problems, and by then it's too late. Hopefully one should never have to resort to pulling out the contract again once it is signed except to make sure all the points in the specification have been met. Any rewording of a contract should be reviewed by your own local attorney. It is very easy to write contracts that will not hold up when you do it yourself. As our contracts have been written by local attorneys in the US, UK, Australia, Canada and Quebec, you should always have at least your first version of our contracts reviewed by your own local attorney. All of our materials are licensed as "self-help information" products and are not represented as "legal advice". You are completely responsible for determining suitability and seeking local legal advice from an attorney licensed to practice law in your area.

There is also a clause regarding the removal of a client's web site for non-payment. Be careful if actually invoking this clause. If the client is using their web site to conduct business you should not interfere with the operation of their business. Only invoke this clause for sites that you have created that have not been put into use.

BENEFITS

- Cost effective

- Helps account for hidden project costs

- Professionally designed

- Save time and money getting started

- Industry standard formats and layouts

- Immediately usable without any software setup

- Completely extensible templates

- Supports Windows, Mac and Linux

- Level the playing field against larger competitors

- Includes international contracts

WHAT IS INCLUDED?

Each Contract Pack includes a large collection of pre-written and pre-formatted templates usable by virtually any type of business following industry standard guidelines. Each set of templates are supplied in standard word format documents which work in a variety of operating systems and word processors.

The following documents are included in the Professional version:

PRE-PROJECT CONTRACTS

- Pre-contract Agreement

- Non-Disclosure (short form)

- Non-Disclosure (long form)

- Authorization to Start Work

- Engagement Letter

- Engagement Letter with Services Agreement

WEB SITE DEVELOPMENT CONTRACTS

- Web Development Contract (US)

- Web Development Contract Client-Centered (US)

- Web Site Maintenance Agreement

- Web Application Support Services

- Web Development Contract (Canadian)

- Web Development Contract Client-Centered (Canadian)

- Web Development Short Form (Canadian)

- Web Development Contract (Quebec)

- Web Development Contract Client-Centered (Quebec)

- Web Development Contract (UK)

- Web Development Contract (Australia)

- Web Development Short Form (UK/Aus)

CD-ROM DEVELOPMENT CONTRACTS

- CD-ROM Replication Contract (US)

- Replication Quote Order Form

- CD-ROM Presentation Contract (US)

- CD-ROM Presentation Contract (Canadian)

- CD-ROM Presentation Contract (Quebec)

- CD-ROM Presentation Contract (UK)

- CD-ROM Presentation Contract (Australia)

SPECIALTY PROJECT/SERVICE CONTRACTS

- Video and Multimedia Production Contract

- SEO Services Contract

- Broker Commission Sales Agreement

- Outsourced Help Desk Contract

- Speaking Engagement Contract

- Audio Recording / Voice Talent Contract

- Translation Services Contract

ADVERTISING AND MARKETING CONTRACTS

- Agency Agreement

- Advertising and Promotion Agreement

- Email Marketing and Campaign Management Contract

- Email Marketing Creative by Agency Agreement

- Email Marketing Creative by Designer Agreement

- Pay Per Click (PPC) SEO Campaign Services Contract

GRAPHICS AND PRINTING CONTRACTS

- Graphic Design Contract

- Signage and Printing Order Form

- Print Quote Form

COMPUTER SYSTEMS CONTRACTS

- Computer Hardware/Networking Contract

- Computer/Hardware Consulting Contract

- Computer Support Contract

- On Site Computer Repair and Support (short)

- On Site Computer Repair and Support (long)

- Data Backup and Storage Contract

HOSTING CONTRACTS

- Hosting and Support Services Memorandum

- Email Hosting (Shared Server) Contract

- Web Site Hosting Agreement

- Adult Web Site Hosting Agreement

- Single Page Web Hosting Agreement

- Colocation Hosting Contract

- Colocation Hosting Short Form Contract

- Dedicated Hosting Contract

- Hosted Services ASP Contract

- Managed Hosting Service Level Agreement

- Web Hosting Change Addendum

PHOTOGRAPHY SERVICE/PRODUCT CONTRACTS

- Photography Services Agreement

- Assignment Photography Agreement

- Wedding Photography Agreement

- Royalty-free Stock Photography EULA

- Royalty-free Authorized Use Stock Photography EULA

- Rights Managed Stock Photography EULA

- Photo Reprint EULA

- Self Service Photo Reprint EULA

- Minor Model Release

- Adult Content License Agreement

- Title 18 Section 2257 Record Keeping Statement

- Model Release Agreement

- Model Release Agreement with Witness

- Special Event Multiple Model Release

- Special Event Multiple Model Release with Witness

- Adult Model Release Agreement

- Multiple Model Release Agreement

- Multiple Model Release with Witness

- Property Release Agreement

- Property Release Agreement with Witness

- Multiple Property Release Agreement

- Multiple Property Release with Witness

- Agency Photo Shoot Model Release Agreement

- Pocket Photo Release Agreement

- Pocket Photo Release with Witness

- Photo Reprint Rights Agreement

- Photo Credit Waiver

GENERAL PROJECT/SERVICE CONTRACTS

- General Project Work Order #1

- General Project Work Order #2

- Short Form Project Development Contract

- Services Retainer Agreement

- Hourly Services Agreement

- General Services Agreement

- Simple Work Authorization Agreement

- Repair Estimate Quote

- General Contractor Work Order

- Right of First Refusal Partnership Agreement

- Right of First Refusal with Non-Disclosure Agreement

- Works for Hire Agreement

- Equipment Rental Agreement

- Projector Rental Agreement

CONTRACT EXHIBITS/SCHEDULES/ATTACHMENTS

- Exhibit A – Payment Terms (US)
- Exhibit B – Specifications (US)
- Exhibit B – Wedding Photography Specifications (US)
- Exhibit C – Developer Materials (US)
- Exhibit D – Addresses (US)
- Exhibit E – Additional Services (US)
- Exhibit F – Project Change Form (US)
- Exhibit G – Business Requirements (US)
- Schedule A – Payment Terms (Canada/UK/Australia)
- Schedule B – Specifications (Canada/UK/Australia)
- Schedule C – Developer Materials (Canada/UK/Australia)
- Schedule D – Addresses (Canada/UK/Australia)
- Schedule E – Additional Services (Canada/UK/Australia)
- Schedule F – Project Change Form (Canada/UK/Australia)
- Milestones Checklist
- Specification Definitions
- Software Requirements Specification

CONTRACT MODIFICATION AGREEMENTS

- Project Change Request Form

- Contract Change Request Form

- Contract Signature Change Authorization

- Milestone Waiver Agreement

- Project Consulting Override

- Project Additional Expense Form

- Contract Renewal Form

ACCEPTANCE AGREEMENTS

- Milestone Acceptance Signoff Form

- Project Acceptance Signoff Form

- Project Acceptance Signoff #2

- Project Acceptance Partial Signoff

- Project Acceptance Simple Signoff

SOFTWARE AGREEMENTS

- Software Development Contract

- Mobile Device Software Development Contract

- Open Source Application Development Contract

- Open Source Software Installation Contract

- Game Software Development Contract

- Software Co-development Contract

- Software Joint Venture Development Agreement

- Database Software Development Contract

- Software EULA and Warranty Agreement

- SAAS Software as a Service Agreement

- SAAS Software as a Service Client License

- SAAS Software as a Service Clickwrap Agreement

- PAD Software Distribution Clickwrap Agreement

- Software Reviewers Agreement

- Software Beta Testers Agreement

- Software Product Inclusion Agreement

- Software Product Return Agreement

- Software License Agreement

- Software Acquisition Agreement

- Software Development Plan

- Software Testing Plan

- Software Build Requirements

- Software Test Use Case (Individual)

- Software Test Use Case (Master Plan)

INTELLECTUAL PROPERTY CONTRACTS

- Permission to Link Agreement

- Non-Commercial Usage Agreement

- Permission to Quote Agreement

- Reprint Rights Agreement

- Permission to Reprint Testimonial

- Affidavit of Original Work

- Affidavit of Original Work and Release

- Affidavit of Copyright with Release with Non-Original Works

- Copywriting Agreement

- Syndication Agreement

OWNERSHIP TRANSFER AGREEMENTS

- Project Copyright Transfer

- Writers Transfer of Copyright

- Copyright Transfer Short Form

- Assignment of Domain Name

- Sale of Used Equipment Terms and Conditions

POLICY TEMPLATES

- Privacy Policy

- Internet Sweepstakes Rules

- Disclaimer on Services

- Interactive Service Disclaimer Policy

- Acceptable Use Policy

- Age Verification Policy

- Adult Web Hosting Acceptable Use Policy

- Adult Web Site Entrance Policy

- Affiliate Terms Policy

- Customer Complaint Policy

- Shipping Policy

- Data Center Access and Security Policy

- Data Center Physical Access Policy and Agreement

- Safe Harbor Policy

- Spam and Unsolicited Commercial Email Policy

CONTRACTOR/EMPLOYEE AGREEMENTS

- Subcontractor Agreement

- Subcontractor Agreement #2

- Employee Copyright Agreement

- Employment Agreement

- Contractor Employment Resignation

- Employee Resignation Agreement

- Employee Resignation Agreement (Non-Compete)

RESELLER AGREEMENTS

- Reseller/VAR Agreement
- Web Hosting Reseller Agreement
- 3rd Party Web Hosting Reseller Agreement
- SEO Services Reseller Contract

NOTIFICATION OF PROBLEM TEMPLATES

- Trademark Cease and Desist Letter
- Copyright Infringement Worksheet
- Cease and Desist Notification
- Breach Notification
- Demand Release of Domain Name
- Contract Dissolution Agreement
- Partnership Dissolution Agreement
- Service Termination and Settlement Agreement
- Service Termination and Settlement (No Migration) Agreement
- Service Termination and Settlement (Server Migration) Agreement
- Affiliate / VAR Termination Agreement
- Bug Report
- Software Problem Report

- First Notice of Overdue Account

- Second Notice of Overdue Account

- Final Notice of Overdue Account

- Letter Before Debt Recovery Action

- Termination of Account Notice

- Account Termination Notification Letter

- Web Hosting Shutoff Notice

- Customer Notice of Corrective Action

- Notice of Rejected Payment Letter

- Claim of Lien

- Waiver and Release of Lien

MISCELLANEOUS TEMPLATES

- Account Setup

- Invoice Template

- Purchase Order Template

- Statement of Work Template

- Billable Services Reference Sheet

- Expense Report

- Customer Thank You Letter

- Customer Survey Form

- Essential Functions Priority List

- Annual Corporate Meeting Minutes

- Continuity Plan Worksheet

- Affidavit of Fictitious Business Name

- Maintenance Contract Termination Letter

- Asset Destruction Loss Worksheet

- Notice of Intent to Vacate Property Letter

- Interactive Creative Brief Worksheet

- Vendor and Supplier Profile Worksheet

- Company Vendor Change of Address Letter

- Notice of Rate Decrease Letter

- Notice of Rate Increase Letter

MISCELLANEOUS CHECKLISTS AND LOGS

- Permission for Written Material Log

- Permission for Photos Log

DEBT AND CREDIT DOCUMENTS

- Extending Credit to Client Application

- Customer Business Credit Application

- Approval of Business Credit Notice

- Decline of Business Credit Letter

- Request to Expedite Payment Letter

- Company Credit Reference Request

- Authorization to Charge Credit Card

- ACH Transaction Authorization Form

- Client Debt Compromise Agreement

- Software and Services Quit Claim

- Chargeback Reversal Agreement #1

- Chargeback Reversal Agreement #2

- Equity Investment Agreement

INTERNAL COMPANY PLANS

- Disaster Recovery Plan

- Software Disaster Recovery Plan

- Software Training Plan

HUMAN RESOURCES LETTERS, FORMS AND POLICIES

- Human Resources Guide

- Human Resources Guide Update Addendum

- PDA Usage Policy

- Personal Technology Usage Policy

- Wireless Networking Usage Policy

- Telecommuting and Remote Work Policy

- Petty Cash Policy

- Expense Reimbursement Plan

- Wellness Reimbursement Policy Request

- Company Equipment Checkout Form

- Sexual Harassment Policies and Procedures

- Sexual Harassment Complaint Form

- Company Job Description Form

- Application for Employment

- Applicant Consent to Release Information

- Employment Non-Compete and Non-Disclosure

- Employment Verification Letter

- Drug and Alcohol Testing Consent Form

- Consent for Voluntary Polygraph Testing Form

- Financial Conflict of Interest Report

- Conflict of Interest Policy

- Offer of Employment Letter

- Employment Interview Rejection Letter

- Employment Offer Rejection Letter

- Internship Agreement (Non-Technical)

- Internship Agreement (Technical)

- Employee Performance Evaluation Form

- Employee Performance Goal Setting Worksheet

- Employee Letter of Commendation

- Employee Letter of Excessive Absenteeism

- Employee Notice of Corrective Action

- Employee Promotion Authorization Form

- Employee Transfer Notice Letter

- Employee Demotion Authorization Form

- Employee Demotion Letter

- Employee Reinstatement Notice Letter

- Company Internet and Asset Usage Policy

- Company Vacation Policy

- Company Vacation, Sick Leave and Time-Off Policy

- Exit Interview Worksheet

- Jury Duty Release Request Letter

- Employee Notice of Salary Increase Form

- Employee Salary Reduction Letter

- Employee Injury Report Form

- Employee Grievance Report Form

- Employee Leave Request Form

- Employee Absence Report Form

- Employee Statement of Domestic Partnership Form

- Employee Termination of Domestic Partnership Form

- Employee Reprimand Notice Letter

- Employee Termination Notice due to Performance Letter

- Employee Suspension Notice Letter

- Employee End of Probation Notice Letter

- Company Layoff Notice Letter

- Company Layoff Notice with Severance

- Emergency Team Members List

- Schedule Disruption Notice Letter

- Vehicle Rider Indemnity Agreement

BUSINESS CONTRACTS

- Joint Business Entity Agreement

- Letter of Intent Agreement

- General Release Agreement

- Durable Power of Attorney Agreement

RECORDS MANAGEMENT DOCUMENTS

- Application for Records Retention Form

- Authorization for Records Destruction Form

- Formal Record Hold Investigation Form

- Formal Record Hold Notice Form

- Release of Legal Hold Notice Form

- Legal Hold and Discovery Log

- Records Disposition Log

REQUIREMENTS FOR USE

🔹 A word processor for Windows, Mac or Linux.

🔹 A web browser such as Firefox or Internet Explorer.

🔹 Adobe Acrobat Reader.

The Contract Pack materials also work on all operating systems such as Linux, OS X and Windows; and with office products such as Microsoft Office.

Optional

Adobe Acrobat may optionally be used from within Word to save your final contracts as a distributable .PDF document. This will help protect your files from modification and make them easy to distribute electronically across multiple platforms.

Some word processors, such as Word, OpenOffice.org, StarOffice and Word Perfect, have export to PDF capability already built in, which do not require separate purchase of Adobe Acrobat to save your documents to PDF format for emailing to clients.

HOW DO I USE IT?

Contract Pack is a set of templates designed to save you time and money.

- Open each document as needed

- Open any referenced Exhibits (US) or Schedules (UK/Canada/Aus)

- Merge your data file (if used) to replace the common tags

- Replace any other tags in the preformatted templates with your own information

- Save, package and distribute your agreements

Since each Contract Pack is a set of document templates, all the work is done in your own word processor. There is no "application software" included in the Contract Packs.

Distribute your final proposal in printed form on paper, saved as a single Acrobat PDF document or as a web page for on-line distribution. We do not supply distribution tools. To create .PDF versions of your documents, you will need to purchase Adobe Acrobat or use a word processor with built-in "Export to PDF" functionality.

To insert your own logos and graphics, simply locate the position with your cursor in Word, click the Insert -> From File option in Word, pick your graphic and then adjust using Words graphic

editing toolbar as needed. We recommend saving your graphics in BMP format files. Importing web site graphics in .GIF/.JPG format can result in graphics that do not print high quality.

All of the work done with the templates is done within your own word processor. See your word processor help for text editing questions.

HOW DO I INSERT MY OWN LOGO?

Contract Pack is a collection of editable documents that you edit using your own word processor. Every word processor is different, however, inserting your logo into a document is a common task that all word processors can do.

If you are unfamiliar with how to insert a picture or a graphic into a document consult your word processors help instructions.

For example, using Microsoft Word, you would open one of your Contract Pack documents, then click the Word toolbar option "Insert", then click "Picture" then browse your hard drive to locate your company logo graphic and then click the Okay button to insert it into your document.

Once you insert your logo, use your word processor's picture formatting properties to resize the logo and position it in the appropriate location of the document.

Using Microsoft Word as an example, right-click your mouse button over your inserted logo to get to the picture formatting options. By changing the picture layout to "in front" or "behind" text will allow you to fine tune the exact positioning of your logo within the document. Other options will wrap text around the logo. Use your word processors picture formatting features as best fits your needs.

CONTRACT USE EXAMPLES

There are many documents (comprising hundreds of pages of material) included for many situations. The entire collection is not intended to be used by any given company or individual. The collection was designed to cover a wide variety of single and overlapping specialties. Just about everyone will find a different combination of documents which will apply to their business.

EXAMPLE 1

Proposal Kit, Inc. provides web site development and photography services and occasionally produces CD-ROMs.

For creation and licensing of photography they may use a variety of the Intellectual Property Contracts. For small scale web site development they may use the Small Project Work Orders or the standard Web Site Development Contract. For an occasional CD-ROM project they may use the CD-ROM Development Contract. A variety of other documents are used on an as-needed basis.

EXAMPLE 2

Cyberi, Inc. provides CD-ROM production and replication services.

For CD-ROM replication of another companies' presentation they would use the CD-ROM Replication Contract. For custom development they would use the CD-ROM Development Contract. For creation of CD-ROM artwork they would use the Graphic Design Contract. A variety of other documents are used on an as-needed basis.

EXAMPLE 3

Florentine Design Group, LLC. is a general media production company providing everything from hosting to web site to Flash development.

For hosting services they would use the various hosting and 3rd party hosting agreements. For web site development they would use the short and long form Web Site Development Contracts. For Flash presentation development they would use the general Software Development or CD-ROM Development Contracts.

EXAMPLE 4

ZeeTech Marketing is a provider of SEO (search engine optimization) and marketing services.

For SEO specific services they would use the SEO Services Contract. For general advertising/marketing services they would use the Advertising/Marketing Agency Agreement. For web site updates to existing web sites to support marketing and SEO services they would use the General Project or Web Site Maintenance Agreements.

EXAMPLE 5

FutureTech, Inc. is a computer services company mainly providing computer repair and networking services.

They would use the Computer Consulting Agreement for general computer work and the Computer Hardware and Networking Agreement for office networking installations. For general software

development to support the computer hardware services they would use the general Software Development and general project Work Order Agreements.

EXAMPLE 6

SysDev Corp. is a software development company.

They would use the general Software Development Contract for project development. They would use the various related contracts to send out reviewers copies, beta test copies, demo versions for inclusion on other companies' CD-ROMs, etc.

USE OF MULTIPLE DOCUMENTS AS A WHOLE SYSTEM

The following quote is from a Proposal Kit Contract Pack user. It highlights the benefits to using our proposal and contract management as a system.

"As a leading Arizona web firm we rely heavily on our proposal and bidding process to remain successful and competitive in our crowded local market. We have found that our professional proposals and informational documentation is a key differentiator from other web companies. The Proposal Kit software has been a huge part of our success in the last 2 years. The countless proposals, contracts and client feedback documents we have utilized from the software have increased our sales team's close rate dramatically."

Sincerely,
Adam Pollicino
MissionEcommerce.com

Next you will find an example of how many Contract Pack documents can all be used during the course of a project. There are countless combinations of how the document collection can be used depending on your unique situation. The following is a fictitious example of how to incorporate many documents into the course of a project as a contract management system.

This example was designed to show just one possible use of the Proposal Kit material over the course of a project that ties together the entire system. The material works just as well for projects on a

smaller scale with only a handful of documents used at any given time, and was designed with this in mind.

EXAMPLE

Florentine Design Group is going to bid on a moderate size e-commerce/multimedia solution for a potential client.

- They use the Project Management Pack materials to interview the prospective client and gather the information needed to make their proposal.

- Using the Estimate Pack spreadsheets they arrive at an estimated cost for the project which will involve building a web site, logo designs, training video and creation of a multi-media marketing CD-ROM.

- Using the Proposal Pack templates, they create their final proposal to the client and include the Contract Pack **"Pre-Project Agreement"** to protect their proprietary design work done during the creation of their proposal and estimate. This helps protect them from having a prospect take their design work and reject their proposal, then turn around and hand over the design work to a lower cost bidder.

- In this case, Florentine Design Group wins the bid based on their proposal showing the client how well they understand their business and needs by using the extensive collection of templates in the Proposal Pack.

- Florentine decides to have the client sign multiple contracts, one for each major component of the project. They use the

"Web Site Development Contract", **"CD-ROM Development Contract"**, **"Graphic Design Contract"**, **"Video Production Contract"**, **"Web Site Hosting Reseller"** and **"SEO Services"** for the foundation of the project contracts.

🔳 Various Exhibits are selected to fill out with the project costs and specifications based on the proposal and design. **"Exhibit A"** is used to specify the payment terms for each contract, **"Exhibit B"** is used to specify the specifications for each contract, **"Exhibit C"** is used to specify what proprietary material Florentine is providing that they exclusively own. The **"Milestones Checklist"** is used to list all of the payment milestones during the course of each project to reduce the risk of Florentine getting stuck with a large owed debt if the client fails to make payments while the project is underway. The **"Specifications Definitions"** attachment is filled out to limit the scope of the project and prevent miscommunication and expectation problems. For example, if a web site is quoted as "X" number of pages, there are limits as to how much material comprises a "page" as defined in the Specification Definitions.

🔳 Florentine is now ready to start work on the projects. The project has been accepted, all the initial contracts are signed and the client has made the initial down payment as specified in the contract's **"Exhibit A - Payment Terms"**.

🔳 Florentine has to obtain photo and video releases from some models for use of their images and personal property for the web site, CD-ROM and video presentations. They use the **"Model Release"** and **"Property Release"** documents to obtain signed permission.

🔲 Part of the web site design is to deep link into another company's web site. Since this has been deemed to be a copyright violation in some cases, Florentine and their client play it safe by requesting permission to deep link into the other companies' web sites using the **"Permission to Link"** agreement.

🔲 Part of the CD-ROM design calls for quoting pages from other sources. To avoid copyright infringement issues since the CD-ROM is for commercial use, they use the **"Permission to Quote Author"** form to get signed permission from the original copyright holders.

🔲 Once the various projects have been started, Florentine uses the **"Milestone Acceptance Signoff Form"** to keep the projects on track, payments on track and the customer in the loop and signing off work as it is completed. This keeps everyone involved in the project and helps catch mistakes early in the development process.

🔲 During the course of the project, the client finds occasional problems in beta copies. They use the **"Software Problem Report"** to send the developers the issues to be resolved.

🔲 On occasion the client decides they want to alter the scope of the projects more than the original specifications called for, such as adding new screens to the CD-ROM and new sections to the web site. Florentine uses the **"Contract Change Request Form"** and **"Exhibit F – Project Change Forms"** to amend the contract, adjust the delivery schedule and ensure the client approves payment for extra work. This helps avoid cost and delivery schedule overruns caused by feature-creep.

Since the web site and CD-ROM will gather personal information from users, they use the **"Privacy Policy"** and **"Disclaimer on Services Agreement"** as publicly posted policies on the client's web site.

During the course of the project, some parts need to be subcontracted out to meet deadlines and for specialized work. Florentine uses the **"Subcontractor Agreement"** to sub out portions of the project and to ensure they retain ownership of the materials for their client.

As the CD-ROM part of the project nears completion, beta copies are sent out to independent testers. The **"Software Beta Testers"** agreement along with the **"Bug Report Template"** are used to manage the beta testing program.

As the projects are complete, each contract is finally accepted and signed off on. Florentine uses the **"Project Acceptance Signoff Form"** to get written approval from the client on each project stating it has been accepted and all parties agree the terms of the specifications have been met.

During the course of the projects, Florentine has maintained ownership of all their work as protection against non-payment or default by the client. Once all payments have been made and the projects complete, they use the **"Project Copyright Transfer"** agreement to transfer copyright ownership of the client's projects back to the client.

Florentine also will manage the ongoing maintenance of the client's web site on a contract basis. They use a separate **"Web Site Maintenance Agreement"** after the initial development contract has been completed.

This has been just one of an unlimited number of possible uses of the Proposal Kit materials and this example only included a portion of the available documents. This collection is designed for you to pick and choose from as you see fit for your business needs.

USE OF ATTACHMENTS (EXHIBITS / SCHEDULES)

Many of the more extensive contracts require the addition of one or more attachments. All attachments are separate documents and can be used with any of the contracts.

The convention for US contracts is to use the term "Exhibit". The convention for Canadian/UK/Australia contracts is to use the term "Schedule".

There is a separate set of documents for US and non-US attachments to ensure consistency in the terms Exhibit vs. Schedule. Otherwise the contents of the attachments are the same (i.e. the Exhibit A document is the same as the Schedule A document, except for the term "Exhibit" vs. "Schedule").

There are 7 standard attachments:

A - Payment Terms
B - Specifications
C - Developer Owned Materials
D - Addresses / Contact Information
E - Additional Services
F - Project Change Form Addendum
G - Business Requirements

There are 2 optional attachments for use with A and B.

- Milestones Checklist: optionally added to specify payment milestones.

- Specifications Definitions: optionally added to clarify terms and definitions.

Read each contract thoroughly and add any referenced attachments as needed.

PLATFORM ISSUES (OS AND WORD PROCESSORS)

The Contract Pack is a collection of platform-independent documents. For example, the same document can be used on Word for Windows, iWork or Appleworks for Mac OS X or OpenOffice.org on Linux (or any other combination of OS and word processor).

Due to the display differences on some platforms, there will be some formatting differences in some documents depending on the OS and word processor versions and combinations.

The best results will come from using Microsoft Word, OpenOffice.org or StarOffice. There will be more manual reformatting required if you are using word processors such as Appleworks, Google Docs or Word Perfect.

Most reformatting will be one-time only and very minor, such as changing the font or font size of a sentence or paragraph, replacing underlines, moving page breaks, etc. This also illustrates why you should not send original editable documents to clients as you cannot be guaranteed they will display as intended. Always send your final versions to your clients printed on paper or as Adobe Acrobat PDF files.

If you have any questions about the intended formatting, look at the included PDF versions of the documents (found in the "PDFs" folders along with the document files on your hard drive). The PDF versions are not editable; however they are true to the original intended formatting.

QUICK REFORMAT QUICK FIX TIPS

Here are some tips on how to quickly reformat the text of a document that will cover most platform differences.

- Open the included PDF version of the document (to compare formatting).

- Select all of the text in the editable document.

- Change the selection to Times New Roman 10 point.

- Move the page breaks as needed.

- Edit as needed

- Save the document.

WHAT ARE MAIL MERGE AND TAGS?

The Contract Pack documents are plain text documents with common information in plain text tags (i.e. **<<FirstName>>**, **<<Company>>**, etc.).

This simply means that there are tags in the documents such as **<<FirstName>>**, which are replaced with your own personalized information.

Automating the process using the mail merge feature will help keep common information consistent across multiple documents. Every word processor has a proprietary mail merge system. You can convert our tags to proprietary tags yourself and tie them to a database, your email address book, contact manager, etc. Consult your word processor help for setting up a database for mail merge.

The number of tags in our documents is minimal, so manually replacing them is quick and easy. Just search the document for any occurrence of "<<" to find the tags and replace them. You can either replace the tags by applying a merge data file OR simply manually type over them. There is no need to learn complex software.

There are two types of tags in the Contract Pack documents.

📘 Data tags: these are common tags for contact information.

For example, **<<Domain>>**, **<<FirstName>>**, **<<Company>>**

📘 Standard text tags: these are easily replaced by manually over-typing. Using the example of, << Insert specification description here >>, this type of tag will be replaced with details of your project. This can be done as easily as cutting and pasting it from other existing collateral material. Such tags are generally meant to be freeform text specific to your situation (company, client, project, contract, etc.).

The following is a list of the Data tags used in Contract Pack, Proposal Kit and Proposal Pack documents:

YOUR COMPANY'S TAGS

📘	<<Salutation>>	Your title (Mr., Mrs.)
📘	<<FirstName>>	Your first name
📘	<<LastName>>	Your last name
📘	<<JobTitle>>	Your job title (President, Project Manager)
📘	<<Company>>	Your company name
📘	<<Address1>>	Your address
📘	<<Address2>>	Your address
📘	<<Address3>>	Your address
📘	<<City>>	Your city
📘	<<State>>	Your state
📘	<<PostalCode>>	Your zip or postal code
📘	<<Country>>	Your country
📘	<<County>>	Your county

📄	<<Fax>>	Your fax number
📄	<<WorkPhone>>	Your work phone
📄	<<MobilePhone>>	Your mobile phone
📄	<<Email>>	Your e-mail address
📄	<<Domain>>	Your website URL
📄	<<SocialMedia1>>	A social media link (Facebook, etc.)
📄	<<SocialMedia2>>	A social media link (Facebook, etc.)
📄	...	
📄	<<SocialMedia10>>	A social media link (Facebook, etc.)

YOUR CUSTOMER'S TAGS

📄	<<CustTitle>>	Customer job title (Project Manager)
📄	<<CustFirst>>	Customer first name
📄	<<CustLastName>>	Customer last name
📄	<<CustDomain>>	Customer domain (URL)
📄	<<CustCompany>>	Customer company name
📄	<<CustAddress1>>	Customer address
📄	<<CustAddress2>>	Customer address
📄	<<CustAddress3>>	Customer address
📄	<<CustCity>>	Customer city
📄	<<CustState>>	Customer state
📄	<<CustPostalCode>>	Customer zip or postal code
📄	<<CustCountry>>	Customer country
📄	<<CustCounty>>	Customer county
📄	<<CustFax>>	Customer fax
📄	<<CustWorkPhone>>	Customer phone
📄	<<CustMobilePhone>>	Customer mobile phone
📄	<<CustEmail>>	Customer e-mail
📄	<<CustSalutation>>	Customer title (Mr., Mrs.)
📄	<<ProposalNumber>>	The unique identifier for each proposal you send

- <<ProposalTitle>>　　　　The title of this proposal
- <<CurrentDate>>　　　　Date the proposal was created

CONTRACT RELATED TAGS

- <<HourlyRate>>　　　　Your hourly service billing rate
- <<FixedRate>>　　　　Your fixed billing rate
- <<HostCompany>>　　　　Company hosting client's website
- <<HostSetupFee>>　　　　Setup fee for website host account
- <<HostMonthlyFee>>　　　　Monthly ISP charges
- <<DomainRegFee>>　　　　Domain registration fee
- <<RegisteredWith>>　　　　Company URL registered with
- <<YearlyDomainFee>>　Yearly fee for domain name
- <<Reference>>　　　　Unique contract reference number
- <<WorkOrder>>　　　　Contract or work order unique identifier code
- <<StartDate>>　　　　Contract start date
- <<EndDate>>　　　　Contract end date
- <<CurrentYear>>　　　　Current year
- <<CurrentDay>>　　　　Current day
- <<CurrentMonth>>　　　　Current month
- <<DeliveryDate>>　　　　Date contract is to be delivered by
- <<ContractCompany>>　Company name on the contract document
- <<ContractFirstName>>　First name of person on the contract document
- <<ContractLastName>>　Last name of person on the contract document
- <<ContractJobTitle>>　　Job title of person on the contract document
- <<InsuranceCoverageAmount>>　　Insurance coverage required for contract
- <<Credits>>　　　　Photographers or authors credits
- <<SSN>>　　　　Social Security Number
- <<Approver>>　　　　Person authorized to make approvals
- <<Supervisor>>　　　　Employee or contractor supervisor name
- <<Department>>　　　　Employee or contractor company department

📄	<<Month>>	A month as applies in the context of the used clause
📄	<<Amount>>	A dollar amount as applies in the context of a clause
📄	<<HREmail>>	Email address of the Human Resources department
📄	<<HRPhone>>	Phone number of the Human Resources department
📄	<<HRContactName>>	Persons contact name in the HR department
📄	<<TimeZone>>	Time zone that the contract applies to
📄	<<Date>>	A date as applies in the context of the used clause
📄	<<Minutes>>	A time in minutes in the context of the clause
📄	<<Hours>>	A time in hours in the context of the used clause
📄	<<Days>>	A time in days in the context of the used clause
📄	<<Months>>	A time in months in the context of the used clause
📄	<<Years>>	A time in years in the context of the used clause
📄	<<Weeks>>	A time in weeks in the context of the used clause
📄	<<EffectiveDate>>	Effective date that an agreement is entered into

CUSTOM DEFINED TAGS

📄	<<Custom1>>	Reserved for any use
📄	<<Custom2>>	Reserved for any use
📄	<<Custom3>>	Reserved for any use
📄	<<Custom4>>	Reserved for any use
📄	<<Custom5>>	Reserved for any use
📄	<<Custom6>>	Reserved for any use
📄	<<Custom7>>	Reserved for any use
📄	<<Custom8>>	Reserved for any use
📄	<<Custom9>>	Reserved for any use
📄	<<Custom10>>	Reserved for any use
📄	<<Custom11>>	Reserved for any use
📄	<<Custom12>>	Reserved for any use
📄	<<Custom13>>	Reserved for any use
📄	<<Custom14>>	Reserved for any use

▣	<<Custom15>>	Reserved for any use
▣	<<Custom16>>	Reserved for any use
▣	<<Custom17>>	Reserved for any use
▣	<<Custom18>>	Reserved for any use
▣	<<Custom19>>	Reserved for any use
▣	<<Custom20>>	Reserved for any use
▣	...	
▣	<<Custom50>>	Reserved for any use

HOW TO INTEGRATE WITH PROPOSAL PACK WIZARD

If you want to have your contract documents included as part of your proposal you can integrate your Contract Pack documents with the Proposal Pack Wizard.

There are multiple ways to use Proposal Pack with your Contract Pack documents.

Refer to the Proposal Pack Wizard manual for various ways the Contract Packs can be used with the Wizard.

The Proposal Pack Wizard will automatically detect the installation of your Contract Pack documents and allow you to use and integrate them with your proposals in multiple ways.

HOW TO INTEGRATE WITH PROPOSAL KIT

If you are using older versions of Proposal Kit, the new Contract Pack material should be used instead of the templates included in older Proposal Kit installers.

If you are using the optional mail merge features, you can use the same mail merge data file for your Contract Pack documents as is used with the Proposal Pack documents.

Proposal Pack and Contract Pack are separate packages bundled with Proposal Kit.

Proposal Pack and Contract Pack are also sold separately.

HOW TO INTEGRATE WITH OTHER PROPOSAL SYSTEMS

You can use Contract Pack materials with other proposal systems, including proposal generation software and pre-written proposal documents.

If your other system does not have some of the templates that we supply, you can copy ours into your other system as needed.

Most proposal systems operate on Word documents, so you should be able to import our content into virtually any other system.

TROUBLESHOOTING

We do not provide technical support for 3rd party applications such as Microsoft Word and Excel. Consult your Word or Excel manual for all other issues.

Contact us on our web site contact page for technical assistance.

WHERE ARE THE FILES ON MY COMPUTER?

When first installing the Contract Pack, you were prompted to choose a location for installation and all associated files. This is where files are located. No desktop icon or application is launched during installation. All templates and graphics are contained on your hard drive in the original folder you chose. The default install folder is

C:\ProposalKit\Contract Pack [Edition]_v#

Or

C:\ProposalKit\Pro_v#\ContractPack_Pro_v#

WHAT IF I DON'T HAVE AN INTERNET CONNECTION?

The materials are all installed on your hard drive, and there is no need to have an Internet connection when using the Contract Pack. Any web site links included in the material are either optional or for information purposes only.

The HTML browser organizer is a page residing on your desktop with links to the documents and graphics also installed on your hard drive. Just because your browser is accessing an HTML page on your desktop does not mean you have to connect to the Internet.

WHAT IF MY COMPUTER IS LOCKING UP USING THE CONTRACT PACK?

This is commonly one of two situations, both related to your system and not a fault of the Contract Pack. The Contract Pack materials are standard Word format documents, graphics files, HTML pages and PDF documents and do not cause system problems.

Over time, your computer may be having its memory fragmented by running numerous programs. This can happen very frequently or over the course of hours depending on the system. Low memory conditions caused by fragmentation (regardless of how much RAM you have installed) can cause problems with any running software (such as your word processor). Simply close everything and reboot your computer to free up resources lost to memory leaks caused by the various software running on your computer.

Another possible cause is launching the web browser version of Word which can happen when you click a link in a web page to a Word document. In some cases a web browser version is run which may have memory problems. Simply run Word by itself first instead of clicking the document links in the web browser interface, and then open the Contract Pack documents. You may want to do this anyway, as you will have access to all of Word's features.

PROPOSAL WRITING RESOURCES

Successful proposal writing requires much more than just filling out some documents. There are many issues that can affect how successful you are, such as:

- Using just the right wording
- Pitching to the right person
- Making the pitch at the right time
- Using proper spelling and grammar
- Addressing the prospect's fears and objections
- Personal appearance and presentation
- Internal politics at the prospect's company
- Hidden agendas at the prospect's company
- How many proposals you send out
- Having the right price, not necessarily the lowest price
- How persistent you are with the same prospect
- How you stack up against the competition on various levels
- Miscommunication between parties
- Competitors trashing your solution in their proposals
- A consultant at the client's site with ties to a competitor

- The prospect wants the "safe" choice, not the "best" choice

- And so on...

See our appendix of resources page for recommended books on proposal writing that cover these topics and more in detail at:

https://www.ProposalKit.com/htm/append.htm

DOCUMENT DISTRIBUTION

Print, e-mail and web-based delivery are several ways in which to distribute a document. Documents should always be delivered in print and then optionally followed up with an e-mailed version in PDF format.

Digital delivery may be fast and convenient, but it still does not beat a high quality printed and hard bound copy delivered directly to the client.

Print your documents on high quality paper using a quality printer. Insert into a quality binder and ship priority overnight unless personally delivering it. Never use cheap, flimsy paper or staples.

If you cannot avoid sending a digital proposal, purchase a copy of Adobe Acrobat and save your full proposal as a single Adobe PDF file which can be easily e-mailed. Your client will be able to view it on any platform and can print it out as well. Some word processors can also export to PDF format and do not require separate licensing of Adobe Acrobat.

See our appendix page at https://www.ProposalKit.com/htm/append.htm for recommendations on binding resources and books that will go into much more detail on proposal distribution.

TIPS AND TRICKS

You will stand a better chance of winning proposals if you take the time to create client-centered proposals specific to each client rather than recycling old proposals and just changing the client contact information.

If you are dealing with a non-paying customer you should perform the following steps in order to properly send them to collections and stand a better chance of winning a judgment. First send them the Notice of Overdue Account letter (two times), next send them the Final Notice of Overdue Account letter with a short deadline and outlining how they can avoid collections, next send the Letter Before Debt Recovery letter as their final notice that they are going into collections. Now you can send them to the collections agency to take action.

Try filling out all or most of the templates for each proposal even if the final proposal will not include all of them. This exercise will help uncover things that may have been missed and can help improve the final proposal.

Spell and grammar check your proposal and also have it reviewed, if possible, by someone not close to the chalkboard. If it is in your budget, hire an editor.

Judge your proposal size by the size of the project and prospective client. For example, a $300 Mom & Pop static web site might only be 2-3 pages. Don't hand them a 30-page proposal. A larger corporate or government project may require a 40 to 100 page proposal or more. Handing them a 5 page proposal will most likely not get you the job. There are no rules

as to the size of the proposal or what sections to use. Let common sense, study and experience be your guide. Also consider hiring an experienced proposal writer if possible, to assist.

- What if you don't get the job?   It is to be expected. The more proposals you write, the more you will lose. You must be able to fine-tune your proposals over time. Whenever possible, interview the prospect when he/she declines the proposal to find out why you were not chosen. Then adjust your business and proposal writing as needed to improve your chances on the next proposal.

- Do not include extraneous information. If you have multiple products or services, include only those that relate to the client's needs. If responding to an RFP, follow their guidelines and only include the proposal sections requested. If you need to add sections or change section titles, use the original graphics supplied with the Proposal Pack to create new graphic headers.

- Don't give away the farm in the project section of the proposal. If you give up too much specialized knowledge in the proposal and design, your prospect could take your up-front design and give it to a lower bidder. Keep the proposal manageable. You may have pages of development checklists and steps; keep the actual steps short and digestible in the proposal. See our Proposal Kits for pre-contract agreements for web professionals to protect your up-front proposal designs if they are very involved. The Proposal Pack does come with a basic non-disclosure form that you can use to help protect your work.

- Make sure to include a financial incentive in the proposal for choosing you for the job. Use the templates to demonstrate how

using you will have positive financial effects on the client's business. There are sections in various templates to add this information (e.g. the Executive Summary or Expected Results).

🔲 Do not underbid a project. Do not bid on projects you cannot complete,   since you may be responsible for completing them regardless of your capabilities. Learn when to pass on a project and when to accept projects that will allow you to definitely make a profit.

🔲 Your odds of success may increase as you specialize and specifically target a niche. See the various Proposal Packs for styles and designs specifically tailored to appeal to specific niches.

🔲 Pick a style and design for the Proposal based on the prospective client's preferences. For example, if you have a very conservative prospect, use one of the Classic styles, not an Artsy style. If you are not sure, play it safe: use a Classic style.

🔲 Be persistent – some of our biggest deals took six 'not interested' brush-offs by the prospect before they actually became a client on the 7th try. Many times a "no" is really just "no – not right now". The more expensive or complex the service or product, the more you need multiple follow-ups to clinch the sale.

🔲 If possible, sell yourself to the "right" person such as a C-Level, VP level or President. Managers and gatekeepers may screen you for many reasons.

WHY YOU DIDN'T GET THE JOB

Writing a winning proposal is much more than just filling out documents and putting it in front of a prospect. There are many reasons why companies do not make the final cut. Learn from each proposal and adjust as needed. If possible, interview the prospect to find out why your company was not chosen. Just keep in mind you may not actually hear the true reason.

Failure to land the job may be for some of the following reasons:

- Writing style did not appeal to the reader

- Incorrect target: your proposal was not sent to the right person

- Bad timing: your pitch was not made at the right time

- Slip-shod writing: Improper use of spelling and grammar

- Not addressing the prospect's fears and objections

- Personal appearance and presentation not matched to the prospect

- Internal politics at the prospect's company

- Hidden agendas at the prospect's company

- Your project estimate was too low or high

- How persistent you were with the same prospect

- Your proposal didn't instill confidence in the prospect

- Your proposal did not show a clear understanding of the client

- Your solution was not the best value for the price

- The competition outdid you

- Miscommunication between parties

- Competitors trashing your solution in their proposals

- A consultant at the client with ties to one of your competitors

- The prospect wanted the "safe" choice, not the "best" choice

- The RFP was written to favor a particular bidder, which was not you

- And so on...

REAL LIFE EXAMPLES OF WHY TO USE A CONTRACT

We once started a small business web site on the direction of an employee of a company, and since it was a personal contact there wasn't a contract. It was only a 6 page web site. The lady who had us working on the project was let go and the owner had no interest in having us finish the project or paying us for the work. Just taking a few minutes to send over a short contract would have solved the problem.

Be wary of great deals for compensation down the road and ownership incentives for doing work for little or no up-front money. Every project we have done in the past for little to no cash up-front and the promise of large potential returns on the back-end has resulted in a lot of work for basically nothing in return. Clients with no backing and a great idea are a dime a dozen. If you enter into this type of arrangement, make sure you at least walk away owning all rights to your work if the deal goes south.

Another very good example for excited beginners trying to get their foot in the door is this one. While working on a CD-ROM project for a marketing company, there was a friend of an employee of that company who was a talented graphic designer. This designer wanted to get the job to do the artwork for a series of CD-ROM covers, and put a lot of work into creating samples and sending them to the marketing company. The owner of the marketing company was overheard to be saying to the development team to just "steal" the designs and not pay the graphic designer anything because there was no contract. The CD-

ROM's were produced with covers based on the designer's work and the designer received no credit or compensation.

From the very same CD-ROM company mentioned above comes this lesson. This company developed a CD-ROM at a cost of about $70,000.00 which was to tie-in with an airline in-flight magazine ad campaign. The project took a fair amount of time to complete, and during the production of the CD-ROM the airline logo was changed. The in-flight magazine proofed and approved the final ad which was then mass produced. After the CD-ROMs were replicated and the magazine ads printed, the airline halted the entire project due to the outdated logo that was not caught during the proofing. There was no provision in the contract to make the client responsible for problems like this that were caught after the client approved the final proof before being produced. The end result, the marketing company who produced the CD-ROM ate the cost of the entire production, the ad campaign never ran, the clients who paid to be part of the campaign either lost their money or were only partially reimbursed, and it almost put the CD-ROM producer out of business. There is a clause in our CD-ROM development contract to cover this case. However, you should be extra diligent in your proofing and your client's proofing of the final project before the time and expense of mass production are incurred. Our Proposal Kits include a free report that covers this and other common problems that can occur in a CD-ROM production, even a "simple" project.

OTHER RESOURCES

Proposal Kit products available at https://www.ProposalKit.com are full-featured sets of Proposal, Estimate and Contract templates for web professionals. Contract Pack is bundled with Proposal Kit.

PROPOSAL KIT.com