University Standardized Entertainment Agreement Completion and Processing Instructions for University Sponsored Events

1) There are five different University Standardized Entertainment Agreements templates that were updated in March 2022 and include the updated COVID-19 language and SIMBA payment information:
   - Master Entertainment Agreement
   - DJ Agreement
   - Speaker Agreement
   - Stage, Sound and Lighting Agreement
   - Co-Curricular Instructor/Referee Agreement

2) Per University Policy FNG02 these Agreements must be used for any Entertainment being contracted by the University totaling $10,000 and under. The Master Entertainment Agreement can be used for any entertainment, but the other specialized versions have been developed to better address the needs of Speakers, DJs, Co-Curricular Instructors/Referees and Stage, Sound and Lighting companies.

3) Signature Authority-
   - Designated Student Affairs staff have limited delegated signature authority to sign up to $10,000 when additional review is not needed.
   - Outside of Student Affairs, the Financial Officers have limited delegated signature authority to sign up to $10,000 when additional review is not needed.
   - Agreements needing additional review should be routed to psucontracts@psu.edu for Procurement Services’ Contract Team to review and process for signature.

4) Each agreement refers to the entertainment party being contracted as the Artist, DJ, Speaker, Co-Curricular Instructor/Referee or Supplier depending on the contract. For the purposes of this document the term “Artist” will be used for all of these.

5) Is the performance virtual or in-person?
   a) **Virtual**- For virtual events review the Livestreaming Speaker & Entertainment Guidance table for guidance on Livestreaming Speaker & Entertainment related performances including contract details to select the correct agreement template to use, requirements to follow and recording restrictions. Email psucontracts@psu.edu for any virtual events involving external artist/performers/speakers that are not being livestreamed with event details and requesting contract guidance.
   b) **In-person**- Continue to Step 6.

6) **Complete Agreement Details Prior to Sharing with Artist:** It is the responsibility of the University employee sending the agreement to the Artist to fill out the agreement fully before sending it. A representative from the Sponsoring Campus, College or Unit should read the contract and fill out all the blanks up to the signature page. It is okay to complete contact information on the Signature page, but it is important to note that the agreement should not be signed by the Sponsor or the University until after the Artist has signed first. If something does not apply it is okay to write “N/A”, but it is critical to make sure that every blank has something filled in.
   a) **Sponsor**- The Sponsor line needs to be filled in with the University Campus, College or Unit name. Keep in mind that the Sponsor cannot be an individual employee as the agreement is between the University and the Artist.
b) **Location of Engagement:** For virtual livestreamed events it is important per the Livestreaming Guidance Table that the University’s instance of Zoom or Microsoft Teams is used for the livestream or for it to be directly from a psu.edu website or University owned website. The reasoning is to ensure the University maintains control of the event.

Here are two examples of how to **correctly** reflect a virtual livestream event on the template:

- Location of Engagement: Virtual Event using University’s Instance of Zoom
- Location of Engagement: Microsoft Teams (University to provide link)

**EXCEPTION NOTE:** If using the University’s website or instance of Zoom or Microsoft Teams is an issue for any given event then Programmer needs to send an email to psucontracts@psu.edu to request an exception with: (i) details for the event, (ii) an explanation of what platform or delivery method is being proposed to be used for the virtual performance, (iii) explaining what “controls” will be in place to manage the event while using the proposed delivery method.

**RECOGNIZED STUDENT ORGANIZATION SPONSORED (RSO) EVENT NOTE:** If any RSO is using Penn State’s instance of Zoom or Microsoft Teams to livestream an Artist then they are in essence using University “arranged premises” for that performance and therefore an entertainment agreement template should be used for that RSO event.

c) **Fees:** It is important to clearly explain exactly what the University is intending to do in the section on the first page for itemized additional costs to be paid by Sponsor. This would include hotel and travel expenses. If the University will be reimbursing the Artist for any expenses it is crucial to list a cap, otherwise you could be legally binding your budget to have to pay whatever the expenses are. For example, if it is the intent to reimburse the Artist for one night’s hotel and airfare you should state something like: “Sponsor will reimburse Artist for one night’s hotel up to $150 and round-trip airfare up to $400.” This would limit your expenses to $550 rather than simply stating the Sponsor will reimburse travel expenses and this could lead to expenses well over the $550 cap.

d) **Insurance:** There is an Evidence of Insurance section in both the Master Entertainment Agreement and the Stage, Sound and Lighting Agreement, which is VERY IMPORTANT. Any type of interactive event where the participants are going to be interacting with the entertainment being contracted requires the Artist to supply evidence of insurance. Some examples of events that require insurance are hypnotists, the use of any type of inflatable or carnival ride, massage therapists and stage and lighting being provided for a performance. Here is the wording from the Master Entertainment Agreement and Stage, Sound and Lighting Rental Agreement:

Is Evidence of Insurance required for this Agreement? YES NO.

If yes, then Artist needs to either be active on the University’s Entertainment Vendor List for the date of the performance or must evidence insurance meeting the University’s insurance requirements for Entertainment Vendors outlined at the following link:

http://www.controller.psu.edu/Divisions/RiskManagement/docs/insurancerequirementsforentertainmentvendors.pdf

If Artist is not active on this list for the date of the performance, then a certificate of insurance meeting the University’s insurance requirements for Entertainment Vendors must be attached to this agreement. Is a Certificate of Insurance ATTACHED to this Agreement? YES NO.

It is the responsibility of the Penn State employee completing the agreement (which may or may not be the Financial Officer or Student Affairs Contract Signatory) to determine if insurance is required for the event before routing the agreement to the Artist or Supplier for their signature.

- If it is determined no insurance is required, then the answer to both questions is NO.
If it is determined insurance is required, then the Penn State employee must check the YES box to the question “Is Evidence of Insurance required for this Agreement?”

Note: If the Stage, Sound or Lighting Company is sending its employees to set up and/or run the equipment then insurance is automatically required.

• The next step is to then determine if the Entertainment Vendor is on the University’s Entertainment Vendor List (and therefore has their insurance on file) and to check the “valid to” date to make sure it covers the date of the performance.
  o If the Artist or Supplier are on the Entertainment Vendor List and the valid to date encompasses the performance date, then the answer to the question, “Is a Certificate of Insurance ATTACHED to this Agreement?” should be NO.
  o If the Artist or Supplier is not on the Entertainment Vendor List then you must check YES to the question “Is a Certificate of Insurance ATTACHED to this Agreement?” and the Penn State employee must make sure that the insurance certificate is attached to the agreement.

• The ONLY way both answers are NO to the two questions in the Evidence of Insurance section is if there is no insurance required for the event.

• Once completed, you can save the completed agreement electronically if you choose but you must have Adobe Professional to be able to do this.

• If you have any questions about completing any of the Standardized Entertainment Agreements email psucontracts@psu.edu.

7) Obtaining Signatures- The signatures on the Signature Page of these agreements should be obtained in the order they are listed.

• Step 1- Once agreement blanks are completed, send the agreement to the Artist for signature. Scanned copies of signatures is acceptable, but one copy must be for the official University records to be housed by the College or Campus sponsoring the event.

• Step 2- Once the agreement is returned to University from the Artist, the next step is for a representative from the Sponsoring College, Campus or Unit to complete and sign Step 2-Sponsor Section of the agreement. This would be a University employee and this signature does not bind the University to the terms of the contracts since the Sponsor is not an authorized University signatory, but instead this is signifying the Sponsor’s acceptance of the business terms in the agreement.

• Step 3- Step 3 of the Signature Page can be skipped since this is only for Recognized Student Organizations at University Park.

• Step 4- Step 4 is optional. The Facility signature section is intended to be an internal check in case the facility being used needs to review the technical or set-up needs of the entertainment. The Financial Officer/Contract Signatory makes the decision on whether this signature will be required or not.

• Step 5- The final step for Student Affairs agreements is to route it to your Student Affairs Signatory (most are in Student Activities). The final step for sponsoring units outside of Student Affairs is to route the agreement to their Financial Officer for the authorized University signature. If contract value is over $10,000 or additional review is needed, please submit the contract to psucontracts@psu.edu along with a completed cover sheet as described below.
  • The cover sheet and instructions can be found on the contracts information website or by following these links to the GURU site:
    • Contract Cover Sheet access instructions - Similar to other GURU forms, the Adobe functionality only works in the Adobe program (not in the browser) so download and save to use.
    • Contract Cover Sheet
    • Contract Cover Sheet Completion Instructions
8) **SIMBA NOTE FOR PAYMENTS**: These agreements should be paid with the Non-PO Invoice payment method and this requires the Artist or payee to be registered as a Supplier. See the details at the following link for next steps: [https://purchasing.psu.edu/become-supplier](https://purchasing.psu.edu/become-supplier).