Negotiating Contracts: How to

1. Students should never enter into contracts on behalf of an organization. All contracts must follow student organization contracting procedures and be signed by the Advisor. Please contact the Office of Student Activities for assistance in guiding you through the contracting process.

2. When speaking with an agent/artist always introduce yourself, your title and school name. Make sure to get the full name of the agent to whom you are speaking.

3. Always inform the agent/artist that you are only calling for information today and not to book something on the phone this minute. Never say you are calling to book or contract with an agent/artist until you are really ready to do it and have the authority to do so from your Advisor.

4. If an agent gets “pushy” with you on the telephone or says something like, “I have to have an answer today,” try not to get flustered. To disarm the agent you might tell them that you are not the final decision-maker. You can further tell the agent that before you can commit to a contract you will have to consult with your Advisor, President, or entire organization. Or you can always tell them if they have to have an answer today that the answer is, “No!”

5. It is okay to be upfront, honest, and professional with an agent in telling them that if things do not work out today you are willing to walk away and try another artist or agency.

6. Make sure to ask the agent/artist every question you can think of to make sure you have a clear understanding of the details of the performance and the expectations of what you are about to agree to commit yourself and your organization to do.

7. Possible “hidden” fees to ask about include:
   a. Security
   b. Lodging – try to negotiate an all inclusive offer
   c. Catering
   d. Travel – try to negotiate an all inclusive offer
   e. Power
   f. Insurance – is extra needed?
   g. Your Publicity or Theirs
   h. Overages/Length of Set
   i. Q & A, Receptions/Dinners, Workshops

8. Two items an agent may ask you to take care of, but you should NEVER do:
   a. Booking the Lodging in Your Name
   b. Booking the Travel in Your Name

9. How can you save money on a booking?
   a. Flexible Dates
   b. Block Bookings
   c. Lunch Time Performances or Double Performances
   d. Short Notice Bookings
   e. Slow Interest Bookings

10. Always try to sound firm and organized. Have a check list of questions ready to ask. Be prepared to walk away because if you tell the agent you have to have a particular artist your ability to negotiate for a lower fee is lost.

11. Best advice: listen to the sound of the agent/artist’s voice. Eventually, you will be able to tell when they have reached their lowest negotiating price.
Negotiating Contracts: Business Ethics

1. Usually executive board members are allowed to begin negotiations and to formally request contracts with agencies. Never request a contract until your organization has voted and agreed to sponsor the event, and funding approval from SFB has been granted.

2. You are NOT authorized to be the signatory for your Organization. Only your Advisor may sign contracts. It is your responsibility to know this and to inform the agent. If you sign you have committed yourself- not your organization or the college- to the terms, including all fees and expenses, of the contract.

3. Always use a TCNJ contract even if the artist is free. Using a contract presents the artist/agent with the College’s terms for conducting business. If the artist/agent has issued their own contract use both the artist/agent’s contract and the TCNJ contract.

4. Ethically, oral agreements by the agent, artist or student should be honored, but legally are not binding until a written contract is signed by both all parties. Never sign a contract before it has been reviewed and edited. The agent/artist should always initial acceptance of all changes, sign the contract first and return it to you, then the Advisor is the final signature on the contract.

5. It is your responsibility to understand all the terms of any agreement before you verbally accept it and certainly before you agree to it in writing. Ask questions until you understand everything. The agent/artist is responsible for answering questions to your satisfaction. You are responsible for answering questions regarding the TCNJ contract to the agent/artist’s satisfaction.

6. It is your responsibility to provide accurate information regarding facilities to the agent/artist. Things they may need to know are how close and where they can park; that driving is prohibited on the sidewalks; how many steps they may have to climb or if an elevator is available; power availability, that smoke, fog and mist machines are not permitted at TCNJ.

7. During negotiations and in writing agree to how and when payment will be made. The College does not pay deposits. Do not pay cash. Agree in writing to pay following a successful performance, not prior to performance. Make sure you have the agent/artist’s social security number or federal ID number – obtained through a W-9 form.

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

9. Contracts or purchases with businesses or individuals at or over $4,815 require by New Jersey state law the completion of a New Jersey Business Registration Certificate before they can be paid. It is your responsibility to assist the vendor with notification and to the degree possible, help them to understand the law and comply. Payments over $17,500 will require NJ Chapter 51 compliance and payments over $30,700 will require TCNJ Board of Trustee approval.

10. Don’t advertise the program prior to having a signed contract unless the agent/artist has given permission. Get the permission in writing such as an email. Only use authorized press materials and not things you find on a web-site. Using copyrighted materials for ads is against the law.

11. Your advisor and/or a professional staff member in the Office of Student Activities should review all contracts to ensure that all negotiated details of the event are correct, should review all contracts. The terms and conditions and riders of contracts ALWAYS need to be edited. Contracts are generally written in favor of the artist/agency, and it is your organization’s responsibility to ensure that contracts are amended in an effort to fairly balance responsibility.