

VENDOR SPECIFICATIONS
FOR THE
TAX DEFERRED ACCOUNT PROGRAM
August 1, 2007
TEXAS STATE UNIVERSITY-SAN MARCOS

Texas State University-San Marcos, founded 1899, is a member of the Texas State University System

TDA Vendor Specifications
August 2007

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TEXAS STATE UNIVERSITY-SAN MARCOS
VENDOR SPECIFICATIONS
FOR THE
TAX-DEFERRED ACCOUNT PROGRAM

I. INTRODUCTION

The Tax-Deferred Account (TDA) Program is authorized under Section 403(b) of the Internal Revenue Code. The goal of the TDA Program is to provide eligible employees with a high-quality, supplemental retirement program. Texas State University-San Marcos (Texas State) allows certain vendors, including life insurance companies, administrators of custodial accounts, banks and investment companies qualified to conduct business in Texas the opportunity to offer TDA contracts to eligible employees. This document is intended to provide vendors and prospective vendors with the specifications governing the TDA Program at Texas State.

The Texas State Tax-Deferred Account Program is a governmental 403(b) and is not covered by the Employee Retirement Income Security Act of 1974 (ERISA).

II. DEFINITIONS

The following definitions apply:

ACCOUNT BALANCE is the accumulation of all deposits, interest, dividends, capital gains or other additions/deletions to an employee's Product to determine its dollar value at any point in time.

CONTRACT means a formal, written agreement between a Vendor and Texas State or eligible TDA participant, for a Product qualified as a TDA under Section 403(b) of the Internal Revenue Code and as designated under the terms of this document.

CONTRIBUTIONS refer to deposits to the TDA.

CRITERIA as used throughout this document means, TDA Criteria for TDA Vendors at Texas State.

DEPOSITS refer to individual salary reduction amounts.

REPRESENTATIVE means Texas State approved agent, broker, salesperson, solicitor, selling officer, manager, and other titles indicating a seller of a TDA Product.

PRODUCT as used throughout this document means an annuity qualified under Section 403(b) or a custodial account qualified under Section 403(b)(7) of the Code.

VENDOR as used throughout this document means any insurance company, mutual fund company, bank or investment company qualified to offer Products at Texas State.

MUTUAL FUND as used throughout this document means any regulated investment company registered under the Investment Company Act of 1940.

FIXED ANNUITY as used throughout this document means any Product which does not contain mutual fund investment options.

VARIABLE ANNUITY as used throughout this document means any annuity Product qualified under section 403(b) containing Mutual Fund investment options.

ROLLOVER as used throughout this document means any transfer of assets from one product to another.

III. GENERAL INSTRUCTIONS

Vendors may apply for the privilege of marketing TDA contracts to employees of Texas State by responding to each item included in the application section. The response should be arranged as follows:

- A. Certification Statement, with appropriate signature, from Section IV.A.(see page 8)
- B. Attachments and required information described in Section IV.B.
- C. Completed Exhibits E-2, E-4 and E-5
- D. Completed Representative Acknowledgment Form(s) (Exhibit E-9)

The response should be mailed to:

Assistant Director of Human Resources
Texas State University-San Marcos
601 University Drive
360 J. C. Kellam Administration Bldg.
San Marcos, TX 78666

The overnight delivery address is the same as above.

Inquiries may be directed to the Assistant Director of Human Resources (512) 245-2557.

It is the vendor's responsibility to ensure that every person representing that vendor to employees of Texas State follows these specifications. The submission of incorrect information and/or the failure to follow these specifications may result in the loss of the privilege to market TDA contracts to Texas State employees.

Texas State reserves the right to modify the requirements stated in these specifications. Changes may be required due to federal or state legislative mandates or due to Texas State administrative requirements.

IV. VENDOR APPLICATION

A. CERTIFICATION FOR ALL VENDORS

An officer of the vendor with the authority to legally bind the company must certify agreement with the following by signing the certification statement on page 8:

1. Every TDA contract issued to employees of Texas State satisfies all requirements for income tax deferral under all applicable sections of the Internal Revenue Code.
2. Texas State has the right to reject any TDA contracts it deems not to be in the best interest of the employees.
3. All amendments to TDA contracts that may be mandated by federal or state laws, regulations, revenue rulings or opinions of the Attorney General of Texas will be made effective immediately, or in a timely manner, in accordance with the law, regulation or opinion. Participants will be notified of the amendment in a timely manner.
4. Accurate records will be maintained on each participant in the TDA Program reflecting contributions received on a tax-deferred basis and identifying the account as a 403(b)(1) or 403(b)(7).
5. All products offered to Texas State TDA participants must comply with the following fee requirements:
 - a. Front-end sales may not exceed five and three-quarter (5.75) percent. A product with a front-end sales load may not charge a surrender fee. A surrender fee includes a back-end sales load, redemption charge, contingent deferred sales charge, or any other fee that is assessed when a participant accesses their funds.
 - b. Non-rolling surrender charges may not exceed seven (7) percent and must terminate within seven (7) years from the participant's contract date. Rolling surrender charges may not exceed five (5) percent and must terminate within five (5) years from the premium receipt date. A surrender fee that is assessed as a fixed dollar amount may not exceed \$200 per year. If a surrender fee is charged, a front-end sales load may not be charged.
 - c. Custodial fees are assessed by a mutual fund for administrative costs. Asset management fees are assessed for investment assistance, advice and counseling and are paid to the vendor (this does not include investment advisory fees paid directly to a registered investment advisor as defined in Section 830.107 of the Government Code). Custodial and/or asset management fees that are assessed as a fixed dollar amount may not exceed \$100 per year. Custodial and/or asset management fees that are assessed as a percent of assets may not exceed one (1) percent. No front-end sales load or surrender fee as defined in 5.a. may be charged on a fund containing custodial and/or asset management fees that are assessed as a percent of assets.
 - d. Fund management fees (fees that are deducted from fund assets before earnings are distributed to shareholders) may not exceed two and three quarter (2.75) percent per fund. Fund management fees include fees charged by the fund's investment adviser for managing the fund and selecting its portfolio of securities, fund administrative fees, investment fees, mortality and expense fees, 12b-1 fees, operating expenses, and other miscellaneous expenses.
 - e. Annual or monthly policy fees may not exceed \$35 per year in total.

- f. Annuity products may not charge transfer fees on internal fund transfers (transfers between funds or within fund families with the same vendor). Mutual fund products may charge transfer fees on internal fund transfers and the fee must be disclosed in Exhibit E-4.
 - g. Transfer fees on funds transferred to another vendor are not limited, but must be disclosed in Exhibit E-4.
 - h. Any additional fees that are not identified above in Item 5.a-g must be disclosed in Exhibit E-4.
6. Any new investment products must comply with the fee standards stated in Item 5 and be approved in advance by the Texas State Human Resources Office.
 7. A toll-free interactive telephone system is available that will permit participants to access TDA accumulations or speak with customer service representatives.
 8. A secure interactive Internet website is available that provides employee education and product performance information, and allows participants to request literature and prospectuses. In addition, Texas State requires that the website allow participants to access individual TDA accumulations, review monthly contribution allocations, reallocate contributions and change investment products.
 9. A representative will be available to attend benefit fairs held at least once each year in order to acquaint participants with their investment options and services. In addition, a representative will participate in retirement and investment education seminars as scheduled by Texas State Human Resources and given by presenters selected by Texas State at least once each year.
 10. Texas State's remittances, submitted on the first working day of each month and on the 10th of the month or the first working day after the 10th of the month via electronic funds transfer (ACH format), will be accepted.
 11. Texas State's remittance reports, sent to the vendor on or before the first working day of the month and on or before the 10th of the month or the first working day after the 10th of the month, will be in the format and method agreed upon by Texas State and the vendor. Transmittal methods for EFT vendors include an email or an electronic faxed report option (see Exhibit E-2).
 12. Corrections based on payroll or administrative errors will be reflected in remittance reports as negative contribution amounts and will be made by the vendor upon receipt of remittance. The vendor may contact the Texas State Payroll Office or Human Resources for additional information regarding the correction, but may not delay posting of remittances to other participants' accounts based on the negative amount. If funds cannot be posted to participants' accounts upon receipt for any reason, posting must be made retroactive to the date of receipt, once the posting problem is resolved.
 13. Remittances to the participant's account(s) will be credited by the third working day of the month, or within three (3) working days of the supplemental payroll done on the 10th of the month. Remittance acknowledgments and account statements are to be sent directly to the participant no less than quarterly.
 14. Fund transfers will be accepted from other active TDA vendors and made to other active TDA vendors. All transfers will be direct transfers in accordance with IRS Revenue Ruling 90-24 and the Vendor Administrative Procedures, Section V, Item H. All vendors must agree to transfer funds within three (3) business days of receipt of necessary documentation

of an employee's instructions to complete a transfer.

15. Fund rollovers, direct and indirect, will be accepted from any type of retirement plan including 401(a), 401(k), 403(b) and governmental 457(b). Funds rolled over to a TDA account will be subject to the rules of that plan. All rollovers will be processed in accordance with federal law and the Vendor Administrative Procedures, Section IV, Item H.
16. Requests for distribution, including hardship and Qualified Domestic Relations Orders (QDRO), and requests for loans will be administered in compliance with provisions of the applicable sections(s) of the IRS code. Proper administration of these requests is the vendor's responsibility.
17. The TDA Maximum Contribution Limit (MCL) (Exhibit E-7) worksheet will be completed by Texas State Human Resources with each Tax-Deferred Annuity Program Salary Reduction Agreement (Exhibit E-1).
18. Correction of excess contributions to TDAs will be completed in accordance with the Vendor Administrative Procedures, Section V, item F.
19. A completed Representative Acknowledgment Form will be filed with Texas State for each representative assigned to work with Texas State employees (see Exhibit E-9). The procedures outlined in the Vendor Administrative Changes Section will be followed when appointing additional representatives or amending any information requested in Section V, Item K. Each Vendor shall have a maximum of two (2) representatives assigned to Texas State. These representatives will represent both ORP and TDA programs if applicable. Separate vendor representatives for each program are prohibited.
20. Each officer, representative, broker, employee or any other person involved in the sale and service of contracts will be provided with a copy of the Vendor Specifications, and each individual will comply with those conditions and all applicable state and federal laws. Vendor Specifications will be posted on the Texas State website at www.humanresources.txstate.edu.
21. The TDA Participation Standards are accepted as conditions for continued authority to market TDA products as an active vendor (see Exhibit E-3).
22. The following reports must be submitted annually to Texas State on the forms provided as Exhibits E-4 and E-5. After initial certification, the reports must be submitted by November 30 of each year.
 - a. Product/Investment Option Performance Disclosure Exhibit E-4
 - b. Vendor Rating Information Exhibit E-5
23. Each vendor will abide by each provision of Section IV, Vendor Application, and Section V, Vendor Administrative Procedures, of these Vendor Specifications. Failure to comply may result in the loss of solicitation privileges.
24. Each vendor, after initial approval to market TDA products, may be required to submit a complete recertification at any time or for any reason deemed appropriate by Texas State.
25. Each vendor may terminate participation with the Texas State TDA Program by providing written notice to each participant and the Texas State Human Resources Office at least 60 days in advance of the termination date.

(ADDITIONAL ITEMS FOR SPECIFIC VENDORS)

26. In addition to items 1-25 listed above, a vendor which is an insurance/annuity company must certify that:
 - a. The vendor is qualified and admitted to do business in Texas in accordance with the rules and regulations of the Texas Department of Insurance.
 - b. The contract to be offered has been approved by the Texas Department of Insurance.
 - c. The contract to be offered does not contain a life insurance or other feature that could be considered a distribution of account funds reportable to the Internal Revenue Service for income tax purposes. However, an incidental life insurance feature, which is not considered a distribution of account funds reportable to the Internal Revenue Service, is permitted.
 - d. Participants will be allowed to change their annuity commencement date at any time before the annuity begins.
 - e. Participants will retain all annuity and death benefits purchased by premiums already paid if any periodic premium is not paid prior to the end of the grace period, and they may resume payments at any time prior to retirement without penalty or repayment of any prior premiums.
27. In addition to items 1-25 listed above, a vendor which is a national bank must certify that:
 - a. It is chartered by the U.S. Comptroller of the Currency.
 - b. The contract to be offered has the approval of the U.S. Comptroller of the Currency.
28. In addition to items 1-25 listed above, a vendor which is a state bank must certify that it is chartered to conduct business in Texas by the Texas Department of Banking.
29. In addition to items 1-25 listed above, a vendor which is a regulated investment company must certify that:
 - a. It is registered with the Securities and Exchange Commission (SEC) under the Investment Company Act of 1940.
 - b. The contract(s) to be offered has been approved by the Texas State Securities Board, pursuant to the Securities Act (Vernon's Texas Civil Statutes, Article 581-1 et seq.) and any other applicable law(s).
 - c. All contracts shall be offered in compliance with Securities and Exchange Commission Releases 33-6352 and IC-11960.

**TEXAS STATE UNIVERSITY-SAN MARCOS
VENDOR CERTIFICATION STATEMENT - TDA**

By signature on this certification statement, I agree on behalf of the vendor named below, to comply with the conditions set forth in the Texas State University-San Marcos (Texas State) Tax-Deferred Account Program (TDA) Vendor Specifications. I certify compliance with items 1-25 in Section IV.A and the applicable item(s) of 26-29 in the same section.

I understand that approval by Texas State of this certification and a complete and acceptable application for active vendor status provides my organization the privilege of marketing 403(b)(1) and/or 403(b)(7) products to Texas State employees. I understand that my organization will not be considered authorized until the Primary Contact receives written notification of such approval from Texas State. I understand that this privilege may be terminated by Texas State at any time for failure to comply with the requirements stated herein.

It is also hereby certified that the exhibits, information and documentation included in the application are true, complete and correct as of the date of application.

This certification statement must be signed by a duly authorized officer of the company who has the authority to legally bind and commit the applicant organization.

Company Name _____
Signature _____
Name _____
Title _____
Date _____

B. OTHER DOCUMENTS AND INFORMATION REQUIRED FOR VENDOR APPLICATION

The following information must be attached to the Certification Statement.

1. The completed Electronic Funds Transfer Remittance Data Form (see Exhibit E-2).
2. The completed Product/Investment Fee and Performance Disclosure form (see Exhibit E-4). If your company offers more than 20 mutual fund products, you may submit forms on a sample set of the 20 funds with the highest fees within all fee categories.
3. The completed Vendor Rating Information form (see Exhibit E-5). This form applies to insurance and annuity vendors only.
4. Provide the name, title, address, telephone number (include both the toll-free and direct numbers), fax number and email address of the following individuals:
 - a. Primary Contact: This individual must be an employee, preferably an officer, of the company identified on the Vendor Certification Statement (he/she may not be an independent representative or broker). This individual has primary responsibility for overseeing compliance with these Vendor Specifications and serves as a first point of contact with the Texas State Human Resources Office. This individual will be the recipient of regular correspondence and notices from the Texas State Human Resources Office, and must be able to disseminate important information in a timely manner to all authorized vendor representatives as requested by Texas State.
 - b. Representative Designator(s): This individual must be an employee, preferably an officer, of the company identified on the Vendor Certification Statement (he/she may not be an independent representative or broker). This individual is responsible for adding or deleting representatives who are assigned to work with Texas State employees. This person must provide each newly authorized representative with a current copy of the TDA Vendor Specifications prior to signing and submitting the Representative Acknowledgment Form to the Texas State Human Resources Office. The vendor may designate up to two individuals to serve in this capacity, if necessary; however, the Primary Contact is also authorized to add or delete representatives.
 - c. Remittance Contact: This individual should be located at either the company headquarters or at a regional office. This individual serves as the contact for the Texas State Payroll Office for questions concerning the monthly electronic fund remittances, posting of remittances, fund transfers and distributions.
5. Provide a customer service department toll-free number where individuals are available to provide general information to current or prospective participants concerning your company and contracts. These individuals should be located at either the company headquarters or regional office. A toll-free telephone number is required.
6. Provide an Internet website address that provides potential customers information about the vendor and available investment products. A website is required.
7. List as representatives the names of no more than two brokers and/or representatives with whom you have a third party agreement to provide investment advice for TDA participants. Furnish a Representative Acknowledgment Form for each. (Exhibit E-9) These representatives will represent both ORP and TDA programs if applicable. Separate vendor representatives for each program are prohibited.

V. VENDOR ADMINISTRATIVE PROCEDURES

All TDA vendors must adhere to the following procedures. Failure to follow these procedures may result in the loss of the privilege to market TDA contracts to Texas State employees.

A. ELIGIBILITY FOR TDA PARTICIPATION

1. Texas State employees who normally work 20 hour or more per week and are not a student worker of any type are eligible to participate in the TDA program.
2. Texas State employees who normally work less than 20 hours per week are not eligible to participate in the TDA program.
3. Texas State employees who are a student worker of any type are not eligible to participate in the TDA program

B. ENROLLMENT PROCEDURES

The following forms must be completed and submitted to the Texas State Human Resources Office by either the employee or the vendor representative by the 5th day of the month.

1. Texas State Tax-Deferred Account Program Salary Reduction Agreement (see Exhibit E-1).

In addition, the employee should submit the vendor application directly to the vendor.

C. EFFECTIVE DATE OF PARTICIPATION (PAYROLL DEADLINES)

1. Texas State will determine the employee's effective date of participation. The effective date will be the first day of the month, provided all necessary and properly executed forms are signed in the previous month and received by the Human Resources office no later than the 5th day of the month the deduction becomes effective, and processed before payroll has run for that month. Forms received after the monthly payroll calculation will be effective on the first of the following month.
2. Any salary reduction authorization that is submitted incorrectly or incompletely will be returned to the submitting party immediately. The employee and representative are responsible for resubmitting the corrected forms. The final complete and correct application submission will determine the employee's effective date of participation.

D. PROCEDURES FOR MCL CALCULATION WORKSHEET

The purpose of this worksheet is to assist the participant in determining their annual contribution limit. The Human Resources Office may complete the calculation in order to determine the maximum contribution limit allowed by a participant.

It remains the responsibility of the TDA participant to submit a new Texas State TDA Program Salary Reduction Agreement (Exhibit E-1) if necessary. Participants may contact their vendor representatives for assistance. Texas State reserves the right to change or terminate participant's contribution amounts to ensure compliance with IRS contribution limits.

E. PROCEDURE FOR CHANGING THE TDA VENDOR OR REDUCTION AMOUNT

1. A request to change the dollar amount of reduction requires a new Texas State TDA Program Salary Reduction Agreement (Exhibit E-1). Participants may submit a new form as frequently as once per month.
2. Participants can change vendors by submitting an ORP/TDA Authorization to Change Carriers Form (see Exhibit E-6) to Human Resources. The change will be effective on the first day of the month, provided all necessary and properly executed forms are signed, received by the Human Resources office, by the 5th day of the month, and processed before payroll has run for that month. Forms received after the 5th day of the month will be

effective on the first of the following month.

3. Participants can cancel their Texas State TDA Program Salary Reduction Agreement (Exhibit E-1) at the end of any month for amounts not yet received. They must provide the form to Human Resources in advance of the requested stop date. The stop date will be determined by the date the notice is actually received by the Human Resources office in conjunction with payroll processing deadlines.

F. PROCEDURES FOR HANDLING EXCESS CONTRIBUTIONS TO A TDA

1. For purposes of this section, excess contributions to a TDA are defined as any contributions in a calendar year that exceed the calculated 415(c) or 402(g) limits for the TDA participant. Participants' limits are determined using the calculations defined on the MCL worksheet.

G. TDA DISTRIBUTION RULES

1. A distribution of funds will only be made in accordance with IRS 403(b) guidelines. Generally, TDA funds cannot be accessed by the participant until one of the following criteria is met:
 - a. Separation from service due to death, disability, retirement or termination
 - b. Attainment of age 59 ½
 - c. Financial hardship
2. Eligibility for loans and financial hardship distributions is determined by the vendor, in accordance with applicable IRS guidelines. The vendor is responsible for processing financial hardship requests based on employee self-certification.
3. The distribution restrictions described above do not apply to TDA funds contributed to 403(b) (1) annuity contracts on or before December 31, 1988. The distribution restrictions do apply to all 403(b)(7) custodial accounts.
4. Distributions to an alternate payee pursuant to a Qualified Domestic Relations Order are the responsibility of the participant and the vendor.

H. TRANSFER OF EXISTING TDA FUNDS

Total transfers of TDA funds, partial transfers of funds, and transfers between a 403(b)(7) account (mutual fund) and a 403(b)(1) account are permitted. Transfers are only permitted to active TDA vendors. The following procedure applies to partial as well as total TDA fund transfers:

1. Receiving vendor's/employee's responsibilities:
 - a. The receiving vendor completes its rollover/transfer form, including the account number, address where the funds should be sent, and other information appropriate for each vendor. Employees may not transfer funds to an inactive vendor unless that employee is currently making monthly TDA contributions through payroll deduction to that vendor.

An ORP/TDA Capital Transfer Verification Form must be completed (see Exhibit E- 8). A TDA account must be transferred to a corresponding TDA account with the receiving vendor. The ORP/TDA Capital Transfer Verification Form must include the receiving vendor information, including the name of the vendor representative who is authorized by Texas State. The vendor representative name is

not required if the employee is transferring funds to a vendor that does not have individual vendor representatives. (ORP refers to the Optional Retirement Program.)

- c. Both the receiving vendor's rollover/transfer form and the ORP/TDA Capital Transfer Verification Form should be forwarded to the Human Resources Office.
2. Texas State Human Resources responsibilities:
 - a. Upon receipt of the ORP/TDA Capital Transfer Verification Form, Texas State Human Resources Office will verify that the receiving vendor is an active TDA vendor. A transfer may not be made to an inactive vendor unless that employee is currently making monthly TDA contributions through payroll deduction.
 - b. The completed ORP/TDA Capital Transfer Verification Form, with the attached receiving vendor's rollover/transfer form, is forwarded to the surrendering vendor by the Texas State Human Resources Office, or the receiving vendor. The forms will be returned to the employee if the receiving vendor is not an active TDA vendor registered with Texas State.
 3. Surrendering vendor's responsibilities:
 - a. The surrendering vendor must receive a completed ORP/TDA Capital Transfer Verification Form certified by the Texas State Human Resources Office, prior to making any transfers. If unauthorized transfers are made, Texas State has the right to require the surrendering vendor to recover the funds or make the account whole.
 - b. Upon receipt of the completed ORP/TDA Capital Transfer Verification Form and the receiving vendor's rollover/transfer form, the funds must be transferred directly to the receiving vendor within three (3) business days. The surrendering vendor may not delay transfers by requiring additional paperwork or signatures or through some other means.
 - c. If a total transfer is completed by the surrendering vendor (i.e., the total account value is transferred to the receiving vendor) and additional funds are subsequently received by the surrendering vendor, the surrendering vendor is responsible for automatically transferring those funds directly to the receiving vendor.

I. ROLLOVERS

Rollovers into a TDA account from another retirement plan do not require Texas State review or approval. In addition, Texas State review or approval is not required when participants roll over funds from their TDA accounts to other retirement plans (the participants must be eligible to elect a distribution – see TDA Distribution Rules, Section V.G.1.) The Texas State ORP/TDA Capital Transfer Verification Form does not apply when a participant requests a rollover. This form must be completed when an active Texas State employee elects to transfer TDA funds to an active TDA vendor.

It is the responsibility of the receiving vendor to process the rollover in accordance with federal law. TDA funds may be invested in plans structured under different sections of the Internal Revenue Code, i.e. 403(b), 401(k), 457(b) and there is no involvement in the rollover of funds by Texas State. The employee will work directly with the surrendering vendor and receiving vendor.

1. Direct – A direct rollover occurs when funds move from one vendor to another without a taxable distribution being made to the employee. The check is made payable to the new vendor.

2. Indirect – An indirect rollover occurs when an employee requests a taxable distribution of funds from one investment vendor, and within 60 days, reinvests the funds with another investment vendor and subsequently claims a refund on the taxes previously paid. The check is made payable to the employee less the mandatory federal tax withholding.

J. SOLICITATION PROCEDURES

1. Texas State reserves the right to limit or revoke the solicitation privileges of any representative or vendor at its discretion if it determines that any representative or vendor is not properly serving the best interest of Texas State employees or is disruptive to employees or Texas State business.
2. Properly appointed representatives of Texas State TDA vendors are permitted to solicit eligible employees at Texas State facilities only as invited guests of the administration and the employee. They must abide by the rules established by the Texas State Human Resources Office.
3. Representatives are allowed to make sales presentations on Texas State premises only at the request of the employee and with the approval of the employee's supervisor.
4. No unsolicited visits, bulk mailings, telephone, or e-mail solicitations are permitted to campus offices.
5. The providing of gifts or monetary rewards in exchange of information on newly hired employees is prohibited.
6. All representatives are expected to abide by Texas State parking regulations. Excessive parking violations may result in the loss of solicitation privileges.
7. Texas State employees are not allowed to provide copying or typing assistance, notary or other clerical service to representatives conducting business in Texas State buildings.
8. Home address labels for Texas State employees may be purchased by contacting:

Assistant Director of Human Resources
Texas State University-San Marcos
601 University Drive
360 J.C. Kellam Administration Bldg.
San Marcos, TX 78666
Phone: (512) 245-2557
Fax: (512) 245-1942

Note: The Texas Public Information Act restricts public access to the home addresses and home telephone numbers of employees who designate this information as private. Therefore, address labels described above will only include employees who permit public access to their information.

K. VENDOR ADMINISTRATIVE CHANGES

1. Changes to existing information:

The Texas State Human Resources Office must be notified in writing of any changes to the information provided in response to Part IV, B. The notification should be provided by the individual with primary responsibility for overseeing compliance with these Vendor Specifications (the Primary Contact). If the notification involves a change in Primary Contact, it must be signed by the previous Primary Contact's immediate supervisor.

2. Adding representatives:

The Texas State Human Resources Office must receive a completed Representative Acknowledgment Form (Exhibit E-9) that has been signed by the prospective representative and one of the individuals assigned as a Representative Designator or Primary Contact by the vendor. The Texas State Human Resources Office will notify the vendor if acceptable. New representatives may not contact Texas State employees until after the vendor has been notified that the addition is accepted.

3. Send a notice of change and/or requests to add or drop representatives to:

Assistant Director of Human Resources
Texas State University-San Marcos
601 University Drive
360 J.C. Kellam Administration Bldg.
San Marcos, Texas 78666
Fax #: (512) 245-1942

L. RECERTIFICATION PROCEDURE

In order to maintain solicitation privileges, the vendor will periodically be required to certify agreement with changes to the specifications or to resubmit the information contained in the initial application.

1. Texas State is responsible for initiating the request for recertification. A written notice, including the current Vendor Specifications, will be sent to the Primary Contact for the vendor. The notice will include instructions and a response deadline.
2. Failure to respond in a timely fashion may result in loss of solicitation privileges.

M. PROCEDURE FOR TERMINATING VENDOR PARTICIPATION IN THE TDA Program

1. Texas State may terminate a vendor's participation in the TDA Program by sending a written notice to the Primary Contact for the vendor at least 10 days in advance of the termination date.
2. A vendor may terminate participation in the TDA Program by sending a written notice to each participant in the program and the Texas State Human Resources Office at least 60 days in advance of the termination date.

VI. EXHIBITS TO VENDOR SPECIFICATIONS

Exhibit E-1	Texas State TDA Program Salary Reduction Agreement <i>This form should be completed anytime an employee enrolls in the TDA program or when the employee changes or stops his/her salary reduction.</i>
Exhibit E-2	Electronic Funds Transfer (EFT) Remittance Data Form and Sample Report Format <i>This form should be completed and submitted with an initial application for active vendor status.</i>
Exhibit E-3	TDA Participation Standards <i>This exhibit describes the minimum participation standards required for a vendor to remain active.</i>
Exhibit E-4	Product/Investment Fee and Performance Disclosure <i>This form should be completed and submitted with an initial application for active vendor status. Active vendors are also required to complete and submit this form by November 30 of each year.</i>
Exhibit E-5	Vendor Rating Information <i>This form should be completed and submitted with an initial application for active vendor status. Active vendors are also required to complete and submit this form by November 30 of each year. Vendors for whom this information is not applicable, such as mutual fund vendors, are not required to complete this form with an initial application or annually.</i>
Exhibit E-6	ORP/TDA Authorization to Change Carriers <i>This form should be completed by the employee when changing carriers for future contributions.</i>
Exhibit E-7	Texas State Maximum Contribution Limit Worksheet <i>This form can be completed by Texas State when an employee initially signs up for the TDA Program, to insure contributions do not exceed allowable limits.</i>
Exhibit E-8	Texas State ORP/TDA Capital Transfer Verification Form <i>This form should be completed by the employee when transferring funds from one carrier to another carrier. These can be full or partial transfers.</i>
Exhibit E-9	Texas State ORP/TDA Representative Acknowledgement Form <i>This form must be completed by a prospective representative, vendor and approved by Texas State Human Resources. Representative cannot contact Texas State employees until notification of approval is complete.</i>

Tax Deferred Account Program
Salary Reduction Agreement

Rev. 04/07

Effective with respect to amounts earned on or after the first day of _____, 20_____, I request that Texas State University-San Marcos pay premiums for the purchase of a tax deferred account in lieu of a portion of my compensation otherwise payable directly to me for the _____ calendar year, and thereafter from year to year until revoked by either party, under the employment agreements between us.

This agreement is executed to be effective with respect to amounts earned on or after the execution of this agreement, and pursuant to the provisions of Sections 403(b) and 401(g), United States Internal Revenue Code, as amended; and as authorized under Article 6628a-5, Vernon's Texas Civil Statutes, as amended.

For such purposes, I hereby authorize you to take the action or actions indicated below (place an "x" in the appropriate box(es) and fill in all information requested):

[] Reduce my gross monthly salary by \$_____ per month, effective _____, 20_____. Allocate this amount with the vendor(s) listed below as indicated:

Regular TDA (pre-tax contributions)

Dollar Amount _____ Vendor #1 _____

Dollar Amount _____ Vendor #2 _____

Roth TDA (after-tax contributions)

Dollar Amount _____ Vendor #1 _____

Dollar Amount _____ Vendor #2 _____

[] Cancel my current salary reduction agreement(s) of \$_____ per month for my [] Regular TDA and/or [] Roth TDA with _____ vendor(s), effective the first day of _____, 20_____.

[] This is an initial authorization. [] This is an amended authorization.

I understand that I will need to complete an application to open an account with the carrier I have selected. This agreement upon acceptance by Texas State will be legally binding and irrevocable with respect to all amounts earned while this agreement is in effect. It is also my agreement that in the event of an adverse IRS ruling concerning the federal income tax liability of individuals who elect to participate in this program, it will be my responsibility to satisfy the federal income tax deficiency. Furthermore, it is agreed and understood that Texas State assumes no liability or responsibility for either the income tax aspects of this program or the tax deferred policy terms and provisions.

Signature of Employee: _____ SSN# or TX State ID#: _____

Please Print Name: _____ Date Signed: _____

Vendor Representative Name: _____

FOR HR OFFICE USE ONLY:

This agreement is accepted as an amendment to your employment agreement for the calendar year and each year thereafter from this date _____, by _____, representative for Texas State. Entered on _____, by _____.

With few exceptions, you have the right to request, receive, review and correct information about yourself collected using this form.

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EXHIBIT E-2

**ELECTRONIC FUNDS TRANSFER (EFT)
Remittance Data Form**

Vendor Name: _____

Texas Identification Number – TIN (14 digits): _____

In addition to providing the Texas Identification Number, complete and submit the Form W-9 Request for Taxpayer Identification Number and Certification which can be accessed at <http://www.irs.gov/pub/irs-pdf/fw9.pdf>. If your company does not have a Texas Identification Number, submission of the Employer Identification Number, as required on the Form W-9, will suffice.

Transmittal of Funds

ORP and TDA funds will be transmitted in separate files on the first business day of each month and on the 10th of the month or the first business day after the 10th of the month via ACH transfer (*not Federal wire*). Please complete the “Vendor Direct Deposit Authorization” form on the following page to include remittance information.

Transmittal of Data

ORP and TDA remittance detail data (an example is provided below) will be transmitted two (2) business days prior to the first business day of each month and on the first business day following the 10th of the month reflecting supplemental payroll. Remittance detail is sent to the vendor via fax or e-mail using the attached file format.

Please select the method preferred for receiving remittance detail:

Remittance Detail sent via e-mail _____ or via fax _____

Remittance Report Recipient Name* (The person to which the remittance detail summary report will be sent):

Recipient’s e-mail address*:

Recipient’s fax number*:

*Vendors are responsible for contacting Texas State with a change to the remittance report recipient, recipient’s e-mail address, and/or recipient’s fax number at least one week prior to the last working day of the month.

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PRPPROCR	Texas State University-San Marcos			
Date	Report of Retirement and Annuities			
Budge xx - xxx	EFT – TDA			
Vendor Name			Pay Date: Month xx,xxxx	
		Employee	Employer	Total
	SSN	Contribution	Matching	Contribution
Last Name First Name, I	xxx-xx-xxxx	xxx.xx	xxx.xx	xxx.xx
Vendor Total		xxx.xx	xxx.xx	xxx.xx

EXHIBIT E-2 (Cont.)



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Submit to: FI Master Data Center Email: gao@txstate.edu
JCK 560 Fax: (512) 245-8990

VENDOR DIRECT DEPOSIT AUTHORIZATION

Contact Information

Company Name
DBA
SAP Vendor Number (located in the address label)
Tax ID / Federal ID (must include this number to process the form)
Contact Name
Phone Number
Fax Number
Email to receive payment notifications from TXSTATE
Remit to Order From (if different)
Address Address
City City
State State
Zip Code Zip Code

Exemption: I claim exemption and request payment by state warrant (check) because:

Authorized Signature Printed name Date

Payment Account Information

Bank Name
Account Type Checking Savings
Bank Routing Number
Bank Account Number



I hereby authorize Texas State University to deposit by electronic transfer payments owed to me, if necessary, debit entries and adjustments for any amounts deposited electronically in error. Texas State University shall deposit the payments in the financial institution and account designated above. I recognize that if I fail to provide complete and accurate information on this authorization form, the processing of the form may be delayed or that my payments may be erroneously transferred electronically.

I consent to and agree to comply with the National Automated Clearing House Association Rules and Regulations and the Texas State University rules about electronic transfers as they exist on the date of my signature on this form or as subsequently adopted, amended or repealed.

Authorized Signature Printed name Date

EXHIBIT E-3

ORP/TDA PARTICIPATION STANDARDS

Texas State maintains active and inactive lists of vendors for the ORP/TDA. The *active list* contains those vendors who are currently permitted by Texas State to enroll new participants in their plans. The *inactive list* is composed of vendors who are not permitted to enroll new participants in their plan but continue to receive monthly contributions from existing participants. In this exhibit, *new accounts* refers to existing ORP/TDA participants who initiate a new account with your company or new ORP/TDA participants, and *active contributions* refers to those employees for whom you receive monthly remittances. Vendors will be reviewed annually to determine if they may remain on the active and inactive lists according to the following criteria:

ACTIVE VENDORS:

New active vendors must enroll a minimum of two (2) new participants in ORP and/or TDA if applicable during the first year of active status. Thereafter, all vendors must enroll a minimum of three (3) new participants in ORP and/or TDA if applicable **AND** maintain a minimum of five (5) actively contributing participants each calendar year in ORP and/or TDA.

Texas State Human Resources may require a vendor to provide a report of employees with new and active ORP or TDA accounts. If this report is required, the vendor will be contacted and asked to provide each employee's name, social security number, and the date the employee opened a TDA account. The information will be checked against our records to determine if the vendor meets the participation standards for the calendar year.

If a vendor fails to meet these standards, that vendor will be removed from the active list and placed on the inactive list effective January 1. A vendor that is moved to the inactive list may not reapply for certification as an active vendor for a period of one (1) year from the date of the status change. After the one-year waiting period, the vendor may reapply during the next application period.

INACTIVE VENDORS:

All inactive vendors will continue to receive monthly remittances from existing participants, but are restricted from soliciting new business. Once an inactive vendor no longer has a contributing participant, the vendor will be removed from the inactive list. Inactive vendors are required to continue to abide by these vendor specifications.

EXHIBIT E-4

**TEXAS STATE UNIVERSITY-SAN MARCOS
PRODUCT/INVESTMENT FEE AND PERFORMANCE DISCLOSURE**

Vendors are required to provide the following information for each separate product/investment offered to Texas State employees. This information must be included with all applications for active vendor status. In addition, active vendors must submit this information to the Texas State Human Resources Office by November 30 of each subsequent year. Information for each product/investment must be provided using this form. Failure to supply this information or the submission of incomplete or inaccurate information may result in removal from the active vendor list.

Indicate the retirement program(s) under which this product or investment is/will be offered.

ORP Only **TDA Only** **ORP and TDA** Date of report: _____

A. GENERAL INFORMATION

1. Vendor name: _____
2. Name of product/investment: _____
_____ Existing Product - no change Existing Product - modified New Product
3. Inception date: _____
4. Product type: Fixed Annuity Variable Annuity Mutual Fund/Custodial Account*
If the product offered is a Mutual Fund/Custodial Account, identify the share class.
 Class A Class B Class C Other _____

*Vendors that offer more than 20 mutual fund products may submit a sample set of the 20 mutual funds with the highest fees in lieu of submitting this form for each mutual fund offered (this form must be completed for each mutual fund in the sample set).

Is this product one of the 20 submitted as part of the mutual fund sample set? Yes No

B. SUMMARY OF CHARGES INFORMATION

For the product identified in item A.2, the following fees and/or charges apply (identify annual maximums and provide specific percentage or dollar amounts). If providing attachments, **the maximum fee in each fee category must be identified on this form** in addition to stating "see attachment."

1. Front-end sales load: _____
2. Surrender charge, back-end sales load, redemption charge, contingent deferred sales charge or any other fee that is assessed when a participant accesses their funds. State the type of fee and the percentage:

Fee Type: _____ Rolling or Non-rolling: _____

Fees: Yr 1 _____% Yr 2 _____% Yr 3 _____% Yr 4 _____% Yr 5 _____% Yr 6 _____% Yr 7 _____%

Identify any surrender restrictions that limit a participant's ability to access all funds upon request:

Identify any surrender restrictions on fixed accounts that restrict distribution to a percentage per year (i.e., 10% of contract value per contract or calendar year):

3. Custodial fees that are assessed by a mutual fund or custodial account for administrative costs:

EXHIBIT E-4 (cont.)

4. Asset management fee that are assessed for investment assistance, advice and counseling (this does not include investment advisory fees paid directly to a registered investment advisor as defined in Section 830.107 of the Texas Government Code):

5. Fund management fees that are deducted from fund assets before earnings are distributed to shareholders. These may include fees charged by the fund's investment adviser for managing the fund and selecting its portfolio of securities, fund administrative fees, investment fees, mortality and expense fees, 12b-1 fees, operating expenses, and other miscellaneous expenses. Identify each fee or charge individually and list the total.

Example: Advisory Fees: 1.00%, Other Expense: .59%, Mortality & Expense: 1.10%, Total: 2.69%

6. Policy fee: Monthly: _____ Annual: _____

7. Transfer fees:

Internal (transfers between funds or within fund families with the same vendor): _____

External (transfers to another vendor): _____

Transfer restrictions: Identify any limitation regarding the amount that may be transferred or the frequency of transfers:

Identify any transfer restrictions on fixed accounts that restrict distribution to a percentage per year (i.e., 10% of contract value per contract or calendar year):

8. Additional fees that are not identified in items B.1-7 must be disclosed:

C. PERFORMANCE INFORMATION

Provide percentage returns on this product/investment for the previous one, five and ten years, ending the most recent quarter. If available, provide information both with and without sales charges considered. You may attach a preprinted table, investment report, or reference your website page if it contains the required information.

E. REMITTANCE POSTING

Remittances are required to be credited to participant's accounts upon receipt of the electronic funds transfer (crediting to the account means processing the trade within one business day or depositing the contribution into an interest bearing account for the benefit of the participant if the trade can not be processed within one business day).

Are the ORP and TDA contributions credited to each participant's account within one business day of receipt of the ACH transaction? Yes No

If no, provide explanation. _____

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EXHIBIT E-5

VENDOR RATING INFORMATION

Each insurance and annuity vendor is required to submit the following information to the Texas State Human Resources Office with all applications for active vendor status. Also, current active insurance and annuity vendors must submit this information by November 30 each year. Each section that is not applicable or information that is not available should be indicated as appropriate. Failure to supply this information may result in removal from the active vendor list.

Vendor: _____

Date of Report: _____

RATING INFORMATION REQUIRED FOR INSURANCE/ANNUITY VENDORS

The most recent rating from the following rating services are:

	<u>Most Recent</u>	<u>Date of Rating</u>	<u>Previous</u>	<u>Change (+/-)</u>
1. A.M. Best	_____	_____	_____	_____
2. Duff & Phelps	_____	_____	_____	_____
3. Moody's	_____	_____	_____	_____
4. Standard & Poor's	_____	_____	_____	_____
5. Any other (list name)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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Texas State University-San Marcos
ORP/TDA Authorization to Change Carriers

(Rev. 07/06)

Name: _____ SSN: _____

Under the provisions of the Optional Retirement Program (ORP) (authorized by Section 51.358, *Texas Education Code*, as amended and under the policies established by Texas State University-San Marcos) and the Tax Deferred Account Program (TDA) (authorized by Article 6228a-5, *Vernon's Texas Civil Statutes*, as amended and under the policies established by Texas State University-San Marcos), I hereby request and authorize you to take the following action(s) as indicated below:

ORP:

I request that my elected ORP carrier be changed from _____
to _____, to be effective _____.

TDA:

I request that my elected TDA carrier be changed from _____
to _____, to be
effective _____.

This form supersedes the Texas State Tax Deferred Account Program Salary Reduction Agreement or the Texas State ORP Authorization for Reduction of Employee Contribution Form (where applicable) previously executed by me with respect to the carrier *only*.

Signature of Employee: _____ Date: _____

Texas State Representative: _____ Date: _____

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TDA MAXIMUM CONTRIBUTION LIMIT WORKSHEET

Note: This form only should be completed if employee is participating in the 15 year lifetime catch up provision for 403(b) plans. The plan allows employees with 15 years of service and a history of low contributions to make additional contributions of up to \$3,000 per year subject to a \$15,000 maximum on aggregate catch up contributions. In addition, participants who are age 50 or older are allowed to make additional catch –up contributions, phased over five (5) years from 2002-2006 starting with \$1,000 in 2002 up to \$5,000 in 2006 (\$1,000 more each year).

Higher limitation under 402(g):

- | | |
|---|----------|
| 1. General limit on salary reduction contribution | \$ _____ |
| 2. If total years of service is 15 or larger, enter total years of service here. | _____ |
| 3. #2 x \$5,000 = | \$ _____ |
| 4. Elective 403(b) deferrals prior to current calendar year plus TexaSaver deferred compensation reductions (457) prior to current calendar year. | \$ _____ |
| 5. #3 less #4 but not less than zero | \$ _____ |
| 6. Least of #5 or \$3,000.
* subject to a lifetime limit of \$15,000 | \$ _____ |
| 7. \$15,000 minus amount of higher cap used in lifetime | \$ _____ |
| 8. Least of #6 or #7 | \$ _____ |
| 9. Section 402(g) limit (#1 plus #8) | \$ _____ |

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TEXAS STATE UNIVERSITY-SAN MARCOS
ORP/TDA Capital Transfer Verification Form
(Rev. 02/07)

Name _____ Social Security No. _____
Contract No. _____

Full transfer of	ORP account(s)	<input type="checkbox"/>	and/or TDA	<input type="checkbox"/>
Partial transfer of	ORP account(s)	<input type="checkbox"/>	and/or TDA	<input type="checkbox"/>
<i>For partial transfers, indicate the approximate dollar amount or percentage of the total you wish transferred: _____</i>				

Name /address of SURRENDERING carrier: _____
Name/address of RECEIVING carrier: _____
Employee Signature: _____ Date: _____

I certify that ORP accounts will be transferred to a corresponding ORP account.
Receiving Agent Signature: _____ Date: _____
<small>I hereby certify that the receiving carrier named above is a Texas State approved ORP/TDA carrier and the receiving agent is a Texas State approved representative, thus the requested transfer may be completed. This agreement shall be considered legally binding to both parties.</small>
Signature of Texas State Representative: _____ Date: _____

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EXHIBIT E-9

**TEXAS STATE UNIVERSITY-SAN MARCOS
ORP/TDA REPRESENTATIVE ACKNOWLEDGEMENT FORM**

INSTRUCTIONS:

1. Prospective representative should complete Section I and forward to vendor.
2. Vendor should complete Section II and mail to the Texas State Human Resources Office.
3. Human Resources will review and complete Section III. Representative may not contact Texas State employees until after the vendor has been notified of approval.
4. A maximum of two representatives per vendor is allowed. These representatives will represent both ORP and TDA programs if applicable. Separate vendor representatives for each program are prohibited.

SECTION I

Former Representative Name (if applicable)

Vendor Name

New Representative Name

Broker/Dealer/Company Name

Representative Title

Street Address or P. O. Box

City

State

Zip

Phone #

Fax #

E-mail Address

Check All Applicable Responses			
Designations:	Licenses & Registrations:	NASD Examinations:	Memberships:
CPA <input type="checkbox"/>	Attorney <input type="checkbox"/>	____ Series <input type="checkbox"/>	American Society CLU ChFC <input type="checkbox"/>
ChFC <input type="checkbox"/>	Health Insurance <input type="checkbox"/>	____ Series <input type="checkbox"/>	CFPI <input type="checkbox"/>
CLU <input type="checkbox"/>	Life Insurance <input type="checkbox"/>	____ Series <input type="checkbox"/>	MDRT <input type="checkbox"/>
CAP <input type="checkbox"/>	PC Insurance <input type="checkbox"/>	____ Series <input type="checkbox"/>	NALU <input type="checkbox"/>
CFA <input type="checkbox"/>	Variable Insurance <input type="checkbox"/>	____ Series <input type="checkbox"/>	NAPFA <input type="checkbox"/>
	Registered Investment Advisor <input type="checkbox"/>	____ Series <input type="checkbox"/>	

I certify that as a prospective authorized representative, I have received a copy of the Texas State Vendor Specifications for the ORP and/or TDA program and will abide by all Texas State solicitation restrictions and procedures set forth in them. I will not intentionally present any false or misleading information regarding any product(s) offered by my company or any other vendor. I certify that I am currently licensed by the State of Texas and by the NASD to sell 403(b)(1) and/or 403(b)(7) products. Failure to follow the Vendor Specifications may result in the loss of privilege to market ORP and/or TDA contracts to Texas State employees.

Signature of New Vendor Representative

Date

SECTION II

I hereby request approval for the appointment of the above-named individual to represent my company to eligible Texas State employees in connection with the Optional Retirement Program and Tax Deferred Account Program. I understand that my company is responsible for ensuring this individual complies with all Texas State requirements stated in the Vendor Specifications.

Signature of Representative Designator/Primary Contact

Print name of Representative Designator/Primary Contact

SECTION III

Approved Denied

Signature of Texas State Human Resources Representative

Date

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