

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Contracting Authority

Policy Number: 1.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/28/2015

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policies specifies the university personnel with the authority to enter into contracts, purchases, or agreements on behalf of the university.

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Language added to correspond to language in the university Ethics policy.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick, General Counsel

Contracting Authority

Original Implementation: July 18, 1988

Last Revision: ~~July 28, 2015~~ October 29, 2018

This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

- I. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member or member's family directly or indirectly has pecuniary *or substantial* interest unless the general counsel has advised that there is a legally permitted exception to this rule with the regent making the appropriate public disclosures.
- II. The following items shall be submitted to the Board of Regents for approval at either a regular board meeting or a special called board meeting. Each item shall be presented to the board for consideration. The general counsel shall review all contracts and agreements prior to signature.
 - a. Contracts, purchases, or agreements in the amount of \$100,000 or more, whether the amount is income or expenditure, for items identified in Section A of Policy 1.4, Items Requiring Board of Regents Approval.
- III. The president shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements for sums less than \$100,000, or amounts over \$100,000 to the extent authorized in Section B of Policy 1.4, Items Requiring Board of Regents Approval, whether the amount is income or expenditure, and to enter into all grants and agreements funded by private individuals, governmental agencies, and foundations without regard to the amount, unless otherwise limited by the Board. At the option of the president, contracts, purchases, and agreements for sums less than \$100,000 may be submitted to the Board of Regents for approval. The general counsel should review and provide legal advice on all contracts or agreements. The department responsible for originating the contract is responsible for maintaining it for the applicable records retention period.
- IV. The president may delegate to other employees of the university power to contract, purchase, or enter into agreements delegated to the president in Section III of this policy. The president will remain responsible for all contracts, purchases, and agreements so delegated, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements.
 - a. In the absence of the president, or at such time as the president is unavailable to sign a document by a required deadline, the following individuals are authorized to sign on his behalf: (listed in order of priority) provost and vice president for academic affairs, vice president for finance and administration, vice president for

university affairs, associate vice president for academic affairs. All other delegations must be specific and in writing to be effective. The general counsel should review and provide legal advice on all contracts or agreements.

- b. All delegations of contracting authority to persons other than those listed above which were made by a previous president shall be void once a new president assumes office.

Cross Reference: Items Requiring Board of Regents Approval (1.4)

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Finance and Audit Committee