

Austin Peay State
University

Delegation of Authority for Approval and Execution of Contracts and Agreements

Issued: June 18, 2018

POLICIES

Responsible Official: Vice President for Finance and Administration

Responsible Office: Procurement and Contract Services

Policy Statement

It is the policy of Austin Peay State University to establish the requirements and approval processes necessary for the execution of University contracts and agreements and to define the delegation of authority deemed necessary and appropriate for the efficient administration of the University.

Purpose

The purpose of this policy is to describe the type of agreement that obligates the University to provide payment, services, goods or use of University properties, facilities or other resources to an external party (hereinafter “contracts”) must be executed by the President or designee. Only the President and those specific individuals authorized in this policy or in writing by the President, through published policies or other authorizing documents, have the authority to enter into contracts on behalf of the University. The Vice President for Finance and Administration shall be responsible for the development and administration of procedures to ensure compliance with this policy.

Contracts may require additional time for review by Procurement and Contract Services or Research and Sponsored Programs before being executed by an authorized University official. **Individuals who execute contracts that are not authorized to do so may be subject to disciplinary action, including termination.**

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Related Forms

- Justification for Non-Competitive Purchases and Contracts

Links

- APSU Policy 4:013
- APSU Contract Services Website
- Tennessee General Assembly Fiscal Review Committee

Procedures

Contract Approval Process The following guidelines apply to contracts between Austin Peay State University and any external party.

- All proposed contracts of \$20,000 or more must be competitively bid unless adequate "sole source" justification is provided.
- Before any \$50,000 and above contract/purchase order is executed, the associated budget amount must be approved by the appropriate Vice President.
- All proposed contracts shall be approved prior to execution and the effective start date.
- If the other party or contractor is a corporation, its name must be stated in the contract exactly as it appears in its charter. The person executing on behalf of the corporation must have legal authority to do so, and his/her title/position should be shown on the signature page. If the other party is a state agency, signature approval lines are necessary for the Department Commissioner or official of equivalent rank.
- The President or those specific individuals authorized in this policy (see below) must execute all University contracts. The authority to execute contracts cannot be delegated.
- Prior approval of Fiscal Review Committee is required for all non-competitive (i.e., "sole source") contracts of a total value of \$250,000 or more, and for a term greater than one (1) year. This process requires submission to Fiscal Review Committee at least 75 calendar days prior to the effective start date.

All proposed contracts must be reviewed and approved by the department chair/activity head or higher and Procurement and Contract Services before the contract will be executed by the President or other authorized officials. Please refer to the Procurement and Contract Services website for more information regarding Contract Services. (<http://www.apsu.edu/procurement>)

**Execution/ Signature
Authority**

A. The President shall execute all contracts and purchase orders \$250,000 and above. Additionally, the President approves all construction contracts regardless of the amount. The President delegates to the following University officials the authority to execute contracts on behalf of the University:

1) Vice President for Finance and Administration:

- a) Agreements to purchase goods and services that do not exceed \$249,999.99;
- b) Banking Agreements;
- c) Construction Agreements;
- d) Post Retirement Agreements;
- e) Clinical Affiliation Agreements
- f) To execute purchase orders in an amount up to \$249,999.99; and
- g) Requests to designate individuals participating in a University authorized volunteer program as University volunteers, pursuant to Tenn. Code Ann. § 8-42-101(3)(B), and to register their status as volunteers with the Board of Claims.

2) Associate Vice President for Finance

- a) Contracts that do not exceed \$99,999.99 which include:
 - i) Personal, professional, and consultant services agreements and dual services agreements;
 - ii) Trademark license agreements;
 - iii) Continuing education and public service short training course and space use agreements;
 - iv) Use of Facilities Agreements;
 - v) Lease Agreements;
 - vi) Clinical Affiliation Agreements; and
 - vii) Other agreements of similar nature which do not require the President's approval;
- b) All documents related to the purchase of goods and services and others of similar nature which are repetitive;
- c) To execute purchase orders in an amount up to \$99,999.99; and
- d) Authorized to execute and submit Federal post-award financial reports on behalf of the University, including certifying the truth, completeness, and accuracy of annual and final fiscal reports or vouchers requesting payment under such awards, the accuracy of time distribution reports, and the expenditures, disbursements and cash receipts were for the purposes and objectives set forth in the award's terms and

conditions, and required under Title 2 Code of Federal Regulations, Part 200.

3) Director of Procurement and Contract Services:

- a) Contracts that do not exceed \$49,999.99 which include:
 - i) Personal, professional, and consultant services agreements and dual services agreements;;
 - ii) Trademark license agreements;
 - iii) Continuing education and public service short training course and space use agreements;
 - iv) Use of Facilities Agreements;
 - v) Lease Agreements;
 - vi) Clinical Affiliation Agreements; and
 - vii) Other agreements of similar nature which do not require the President's approval
- b) All “Justification for Non-Competitive Purchases and Contracts” forms;
- c) All documents related to the purchase of goods and services and others of similar nature which are repetitive;
- d) To execute purchase orders in an amount up to \$49,999.99.

4) Contract Specialist:

- a) Contracts that do not exceed \$9,999.99 which include:
 - i) Personal, professional, and consultant services agreements and dual services agreements;
 - ii) Trademark license agreements;
 - iii) Continuing education and public service short training course and space use agreements;
 - iv) Use of Facilities Agreements;
 - v) Lease Agreements;
 - vi) Clinical Affiliation Agreements; and
- b.) Other agreements of similar nature which do not require the President's approval.

5) Associate Provost for Grants and Dean of the College of Graduate Studies:

- a) All graduate assistant contracts; and
- b) Research Grants/Contracts

6) Appropriate Academic Dean:

- a) Notice of appointments and employment agreement for tenure-track faculty;

- b) Notice of temporary employment and agreement of employment for Faculty;
- c) Notice of employment of adjunct; and
- d) Notice of appointment and agreement of employment for non-faculty personnel.

7) Director of Athletics:

- a) Employment contracts arising in his/her area of responsibility;
- b) Moving Expense Agreements arising in his/her area of responsibility;
- c) Athletic Game/Match Agreements; and
- d) Athletics Sponsorship Agreements.

8) Provost and Vice President for Academic Affairs:

- a. Study Abroad Agreements;
- b. Memorandums of Understanding (MOU) with other schools regarding exchange of students and/or faculty;
- c. Post Retirement Agreements;
- d. Professorship Appointments;
- e. Academic Articulations Agreements;
- f. All duties relative to intellectual property;
- g. Full-time employment contracts arising in his/her area of responsibility; and
- h. Moving Expense Agreements arising in his/her area of responsibility.

9) Office of Human Resources

- a. Employment contracts arising in all areas except Academic Affairs and Athletics; and
- b. Moving Expense Agreements arising in all areas except Academic Affairs and Athletics.

Related Forms

Justification for Non-Competitive Purchases and Contracts

<http://www.apsu.edu/procurement/forms>

Links

APSU Policy 4:013

http://www.apsu.edu/policy/4s_business_and_finance_policies/4013-contracts.php

APSU Contract Services Website

<http://www.apsu.edu/procurement/contracts.php>

**Tennessee General
Assembly Fiscal Review
Committee**

<http://www.capitol.tn.gov/joint/committees/fiscal-review/>

Revision Dates

APSU Policy 4:002 – Rev.: June 18, 2018
APSU Policy 4:002 – Rev.: December 5, 2017
APSU Policy 4:002 (previously 1:010) – Rev.: March 27, 2017
APSU Policy 4:002 – Rev.: September 19, 2016
APSU Policy 4:002 – Rev.: July 1, 2016
APSU Policy 4:002 – Rev.: May 8, 2014
APSU Policy 4:002 – Issued: April 4, 2008

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file
