

Sam Houston State University
A Member of The Texas State University System

President's Office Policy PRE-05

DELEGATION OF AUTHORITY

Texas State University System's Rules and Regulations, Chapter III, 10.23, states that the President may delegate power to contract, purchase, or enter into agreements of less than \$500,000 to other employees of the Component. The Chancellor has delegated to the President the authority to plan, design and construct projects listed on the approved Capital Improvement Program for projects with a Total Project Cost of less than \$1,000,000, without further approvals from the Chancellor or the System.

Presidential delegation to campus personnel must be specific and in writing to be effective.

The President will remain responsible for all contracts, purchases, and agreements and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation.

The President delegates authority to enter into contracts, purchases and agreements in the attached Delegation of Authority matrix. This document outlines recommended routing and review as well as **specific identification** of positions authorized to execute contracts, purchases, and agreements. No other campus personnel are authorized to execute contracts, purchases, and agreements regardless of dollar amount. This policy does not affect institutional authority to initiate purchase requisitions, RFP's, requests for bids, Procurement card purchases and/or limits established elsewhere within policy or enabled within the ERP system.

Approved by: President's Cabinet
Date: March 2016

Updated: December 2019

PRESIDENT'S DELEGATION OF AUTHORITY FOR CONTRACT ADMINISTRATION:		
All agreements between \$500K and \$1MM require VCGC review and VCF and Chancellor approval. Agreements over \$1MM require VCGC review and VCF, Chancellor and BOR approval. (TSUS Rules & Regulations, Chapter III.)		
Purchase Orders with or without a contract follow the routing, review, and execution as outlined below. Purchase Orders processed through BearKat Buy receive all approvals through electronic routing.		
Purchase Orders that have an associated contract should have the contract attached to the BKB Requisition document for processing.		
Type of Purchase	ORG/Department Routing	Authorized to Execute (Authorized Signer)
Purchase Orders -delegation of authority to execute and deliver purchase orders for routine purchases of equipment, supplies, goods and services in accordance with state contract, state catalog, cooperative or another approved procurement processes, . Certain purchases with a cost of more than \$500,000 require Chancellor or Board of Regents approval.	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP (not all hierarchical approvals are required. Internal control environment design automatically routes requisitions for appropriate approvals.) <i>This Routing/Review is electronic through BKB.</i>	Executive Director of Procurement and Business Services/AD of Procurement and Business Services/Purchaser II/Purchaser I
<i>A copy of the contract must be attached to the BKB requisition for proper approval.</i>		
Purchase Orders with Agreements/Contracts -delegation of authority to execute and deliver contracts and Purchase Orders of any kind or nature of less than \$500,000 whether on a SHSU standard form or a vendor provided agreement, which could include software or online license agreements. Any contracts where SHSU is piggybacking off of another agency or institution of higher education are included here. <i>A copy of the contract must be attached to the BKB requisition for proper approval.</i>	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP OGC on campus reviews contracts with dollar values between \$50,000 and \$499,000, and/or contracts with questions or concerns as requested by Procurement or a Division VP. <i>This Routing/Review is electronic through BKB .</i>	Executive Director of Procurement and Business Services/AD of Contract Management and Business Services/AD of Procurement and Business Services/AVP for Finance and Operations/Vice President of Finance and Operations/Vice President for Information Technology (IT related license or IT consulting agreements under DIR).
Technology Acquisition Oversight		
Sam Houston State University, in compliance with The Texas State University System Rules and Regulations (III-19.3), mandates review and oversight of all information technology resource related acquisitions. All information technology resource related acquisitions and gifts must be reviewed by the SHSU Information Technology Services Department and receive approval, prior to a formal submission of request for acquisition or acceptance of gift. Ref: SHSU IT-S03 Policy	Dept Head/Chair/Director/Dean/Asst-Assoc VP/Division VP or President (if using BKB routing will take place to the authorized approvers based on dollar threshold, and IT is in the approval queue for all IT related purchases). VP for Information Technology or his/her designee.	Procurement personnel as stated under Purchase Orders or Purchase Orders with Agreements/Contracts and VP for Information Technology if related license or IT consulting agreements under DIR
Type of Contract or Agreement	Department Routing and Review	Authorized to Execute (Authorized Signer)
<i>The following matrix outlines the typical routing and authorizes the individuals that may sign the hardcopy contract.</i>		
Advertising Agreements/Contracts - delegation of authority to execute and deliver agreements and contracts for advertising (print publications, radio, TV, billboard, internet).	Dept Chair/Director/Dean/Asst-Assoc VP/Division VP or Provost/OGC if applicable	Vice President for University Advancement/ Assoc. VP Marketing/Communication. <i>All non-academic program related contracts, regardless of payment method, for advertising must have Advancement review and approval.</i> Vice President for Enrollment Management/Associate VP for Enrollment Management. <i>All academic program and student enrollment and retention related materials and contracts, regardless of payment method, for advertising must have Enrollment Management review and approval.</i>
Athletic Event/Contest Agreements -delegation of authority to execute and deliver athletic contest agreements of \$50,000 or less. Including those agreements for Athletics involving athletic events or contests, also applicable to Recreational Sports events and contests.	OGC for facility rental agreements only.	Athletic Director/Associate Athletic Director-Operations/ VP for Student Services, AVP Student Services Facilities and Operations/Recreational Sports

Type of Contract or Agreement	Department Routing and Review	Authorized to Execute (<i>Authorized Signer</i>)
Banking Services -authority to execute and deliver contracts for banking services with Institutions approved by the Vice Chancellor for Finance and the BOR	N/A	Treasurer/Vice President for Finance and Operations
Construction Projects - delegation of authority relating to BOR approved construction projects and for repair and rehabilitation projects greater than \$1,000,000	Director Facilities Planning and Construction/AVP Facilities Management and VCCA as appropriate. <i>Approvals are in eBuilder.</i>	Executive Director of Procurement and Business Services/ Vice President for Finance and Operations/AVP for Facilities Management
Construction Projects - delegation of authority relating to new minor construction projects and minor repair and rehabilitation construction projects with an anticipated value <u>under</u> \$1,000,000. See also TSUS Rules and Regulations, Chapter 3, Section 1.8.	Director Plant Operations/Director Facilities Planning and Construction/ AVP Facilities Management. <i>Approvals are in eBuilder.</i>	Executive Director of Procurement and Business Services/AD Procurement and Business Services/Vice President of Finance and Operations/AVP for Facilities Management
Consulting - delegation of authority to execute and deliver agreements involving SHSU use of consultants governed by Section 2254, Texas Govt Code, Subchapter b. Any consulting agreement where total payment (including renewals, amendments, and extensions) will exceed \$25,000 must be published in Texas Register at least 30 days prior to award.	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP or Provost/OGC For Major Consulting Services, notification must be provided to the Legislative Budget Board and Governor's Office (See Tex. Gov. Code § 2254.028)	Purchaser II/AD Procurement and Business Services/AD Contract Management and Business Services/Executive Director Procurement and Business Services
Courtesy Car Agreements -delegation of authority to execute and deliver courtesy car agreements for use by the Athletic Dept. staff		Athletic Director/ Associate Athletic Director-Operations
Design Development(Construction) -delegation to execute design development approvals and authorize expenditure of funds for institutionally managed major repairs and rehabilitation projects.	Director Facilities Planning and Construction/AVP Facilities Management. <i>Approvals are in eBuilder.</i>	Executive Director of Procurement and Business Services/ AD for Contract Management and Business Services/AVP for Facilities Management
Direct Pay	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP	Executive Director of Procurement and Business Services/AD for Procurement and Business Services, AD for Contract Management and Business Services, AVP Finance and Operations
Educational Affiliation Agreements -delegation of authority to execute and delivery educational affiliation agreements such as, but not limited to, academic, scientific activities, or other cooperative/collaborative efforts for the purpose of the University academic or service mission. Examples could be: internship agreements, clinical/practicum agreements, collaborative agreements, study abroad, tuition/fee reimbursement agreements (federal govt), etc.	Dept Head/Chair/Director/Dean/OGC	Provost/Vice Provost <i>Approval by Provost/AVP is always required even if requisition is processed via BKB.</i>
Employment Contracts Special Contracts -authority to execute and deliver athletic coaching or other special employment contracts. See also TSUS Rules and Regulations, Chapter 5, Section 1.3. Authority to execute and deliver other employment-related agreements	Division VP/OGC Division VP/OGC	Division VP/President AVPHR/Division VP
General Business/Service Agreements - applicable to those agreements otherwise undefined in the Delegation of Authority where SHSU is providing or receiving goods and/or services. Revenue, business and exempt purchasing expense agreements are applicable to this section.	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP/OGC **OGC on campus reviews contracts with dollar values between \$50,000 and \$499,000, and/or contracts with questions or concerns as requested by Procurement or a Division VP	Executive Director of Procurement and Business Services/AD Contract Management and Business Services/AVP for Finance and Operations/Vice President for Finance and Operations/ Provost/Vice Provost

Type of Contract or Agreement	Department Routing and Review	Authorized to Execute (<i>Authorized Signer</i>)
Gifts - delegation of authority to accept gifts (other than real property)	Dept Head/Chair/Dean/Provost/Assoc-Asst VP/Division VP/AVP Development/Vice President of Advancement	Associate Vice President for Development/Vice President of Advancement
Gifts - IRS Forms - delegation of authority to execute necessary forms relating to gifts.	VP University Advancement	Vice President for University Advancement
Intellectual Property -delegation of authority to execute and deliver agreements that grant an interest in intellectual property up to \$500,000 in value	Dept Chair/Director/Dean/AVP Research and Sponsored Projects/OGC	Provost/Vice President for Finance and Operations
Interagency Contracts - delegation of authority to execute and deliver contracts or agreements with Texas State University system, between or among institutions of Texas State University System or other institutions of higher education or state agencies for goods, resources or services in excess of \$25,000.	Dept Head/Chair/Director/Dean/ Assoc-Asst VP/Division VP/OGC	AVP for Finance and Operations/Vice President for Finance and Operations/Provost/Vice Provost
Library Agreements - applicable to those agreements involving the purchase of books, subscriptions, reference materials, and memberships by the SHSU Library for the express purpose of obtaining publications.	Director of Library Services	Director of Library Services/Associate Director of Library Public Services
Real Estate Contracts -including those contracts involving purchase or transfer of SHSU owned facility and/or land valued at less than \$500,000. Rental of facility or land (office, lab, classroom, storage, residence, etc.) for a period less than five (5) years or total rent of less than \$500,000 over the entire life of the contract.	TSUS GC in Austin reviews	Upon Approval of VCGC as to legal form, Vice President of Finance and Operations
Space Lease - rental agreements (office, lab, classroom, storage, residence, etc.) with a value of less than \$500,000 and less than a five (5) year period.	OGC	AVP Finance and Operations/Vice President of Finance and Operations
Speaker/Presentation/Performance Agreements -includes those agreements where SHSU is acquiring services of a guest speaker, guest lecturer, artistic performances, other presentations or other exhibitions such as art.	Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP. OGC reviews Contracts where OGC addendum is rejected by vendor/artist.	Division VP/Provost or AVP for Student Services for Entertainer Contracts
Sponsored Research -Submit Proposals and Execute Contracts in Electronic Format for Sponsored Projects -delegation of authority to submit proposals and execute contracts in electronic format for sponsored projects through the Grant.gov electronic process	Dept Head/Chair/Director/Dean	AVP-Research and Sponsored Programs/Executive Director Research and Sponsored Programs/Associate Director Research and Sponsored Programs
Sponsored Research (State and Federal) -delegation of authority to execute and deliver state and federal contracts or proposals for sponsored research	Dept Head/Chair/Director/Dean	Provost/AVP-Research

Sam Houston State University Delegation of Authority Policy-Q&A

1. Why are we implementing this new policy?

The University President has delegated the specific employees listed on the PRE-05 Delegation of Authority to act on her behalf to sign specific contracts. *Only* those individuals listed under Authorized to Execute are delegated authority to contractually sign for the University. Individual employees listed in the Typical Routing for Dept. Review are not authorized to sign contracts, purchase agreements, etc. on behalf of the University. Those individuals are to review/approve the purchase, before sending the contract to Procurement for review and approval.

2. How, in practical terms, does this new policy affect departments?

This policy addresses any contracts that are received outside of BearKat Buy, normally received as a “hardcopy-paper” contract. If you are using BKB, ORG hierarchical approval is built into the system and these rules are already applied. In other words, this does not apply to a Purchase Order placed in BKB or when a PO is processed and a contract is attached. If there is a contract to be approved it should be attached to the BearKatBuy Requisition or Direct Pay form, so that Procurement can sign the contract and attach to the PO.

3. Who may sign for Artist Contracts or performances where SHSU is providing these services to the community or other organizations at no cost?

Although there is no cost the University is accepting liability for performers and the contracts must be signed by the authorized persons, listed in the new DOA policy.

4. Since the department Chair is usually the individual with the vested interest in intellectual property, should they be the first level approver of their works?

The policy was amended to include the Chair as first level approver. The Delegated Authority provides for upper-level hierarchical approval and should address any conflict of interest concerns.

5. How do we handle rental of meeting rooms for events such as Conferences?

These should be forwarded to the Purchasing Office for review to ensure appropriate procurement rules were followed. If payment will be made through BKB on a PO, please attach the contract for review and approval.

6. How do we handle advertising agreements such as print publications, billboards, radio or television spots, etc?

All such advertising agreements/contracts should be reviewed and signed through the Office of Advancement, Marketing and Communications Office, to ensure branding and marketing guidelines are met.

7. How about travel related agreements such as Airfare or Hotel agreements?

Often departments obtain a pricing agreement for Airfare or Hotel contracts, specifically related to a group of travelers. As the University implements the Travel Management Program, in August 2016, with Corporate Travel Planners, Inc. (CTP), these will be issued through CTP and therefore should require no further review. In the interim, or those obtained outside of the SHSU/CTP partnership, should be forwarded to Purchasing for proper review and approval.