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: October 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.

<table>
<thead>
<tr>
<th>Type of Purchase</th>
<th>ORG/Department Routing</th>
<th>Authorized to Execute (Authorized Signer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase Orders</td>
<td>Dept Head/Chair/Dean/Assoc-Asst VP/Division VP (not all hierarchical approvals are required. Internal control environment design automatically routes requisitions for appropriate approvals.) This Routing/Review is electronic through BKB.</td>
<td>Executive Director of Procurement and Business Services/AD of Procurement and Business Services/Purchaser II/Purchaser I</td>
</tr>
</tbody>
</table>

Type of Purchase:
- 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.

- A copy of the contract must be attached to the BKB requisition for proper approval.

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. A copy of the contract must be attached to the BKB requisition for proper approval.

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

Authorized to Execute (Authorized Signer):
- Executive Director of Procurement and Business Services/AD of Procurement and Business Services/Purchaser II/Purchaser I

Type of Contract or Agreement
The following matrix outlines the typical routing and authorizes the individuals that may sign the harcopy contract.

<table>
<thead>
<tr>
<th>Type of Contract or Agreement</th>
<th>Department Routing and Review</th>
<th>Authorized to Execute (Authorized Signer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising Agreements/Contracts - delegation of authority to execute and deliver agreements and contracts for advertising (print publications, radio, TV, billboard, internet).</td>
<td>Dept Chair/Dean/Asst-Assoc VP/Division VP or Provost/OGC if applicable</td>
<td>Vice President for University Advancement/ Assoc. VP Marketing/Communication. All contracts, regardless of payment method, for advertising must have Advancement review and approval.</td>
</tr>
</tbody>
</table>

<p>| 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 |</p>
<table>
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<th>Type of Contract or Agreement</th>
<th>Department Routing and Review</th>
<th>Authorized to Execute (Authorized Signer)</th>
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<tbody>
<tr>
<td>Banking Services - authority to execute and deliver contracts for banking services with</td>
<td>N/A</td>
<td>Treasurer/Vice President for Finance and Operations</td>
</tr>
<tr>
<td>Institutions approved by the Vice Chancellor for Finance and the BOR</td>
<td></td>
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</tr>
<tr>
<td>Construction Projects - delegation of authority relating to BOR approved construction</td>
<td>Director Facilities Planning and Construction/AVP Facilities Management and VCCA as appropriate.</td>
<td>Executive Director of Procurement and Business Services/Vice President for Finance and Operations/AVP for Facilities Management</td>
</tr>
<tr>
<td>projects and for repair and rehabilitation projects greater than $1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Projects - delegation of authority relating to new minor construction projects</td>
<td>Director Plant Operations/Director Facilities Planning and Construction/AVP Facilities Management.</td>
<td>Executive Director of Procurement and Business Services/AD Procurement Management and Business Services/Executive Director Procurement and Business Services</td>
</tr>
<tr>
<td>and minor repair and rehabilitation projects with an anticipated value under $1,000,000.</td>
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<tr>
<td>Consulting - delegation of authority to execute and deliver agreements involving SHSU use</td>
<td>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)</td>
<td>Purchaser II/AD Procurement and Business Services/AD Contract Management and Business Services/Executive Director Procurement and Business Services</td>
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<tr>
<td>of consultants governed by Section 2254, Texas Govt Code, Subchapter b. Any consulting</td>
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</tr>
<tr>
<td>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.</td>
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</tr>
<tr>
<td>Design Development (Construction) - delegation to execute design development approvals and</td>
<td>Director Facilities Planning and Construction/AVP Facilities Management.</td>
<td>Executive Director of Procurement and Business Services/AD for Contract Management and Business Services/AVP for Facilities Management</td>
</tr>
<tr>
<td>authorize expenditure of funds for institutionally managed major repairs and rehabilitation</td>
<td>Approvals are in eBuilder.</td>
<td></td>
</tr>
<tr>
<td>projects.</td>
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</tr>
<tr>
<td>Direct Pay</td>
<td>Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP</td>
<td>Executive Director of Procurement and Business Services/AD for Procurement and Business Services, AD for Contract Management and Business Services, AVP Finance and Operations</td>
</tr>
<tr>
<td>Educational Affiliation Agreements - delegation of authority to execute and delivery</td>
<td>Dept Head/Chair/Director/Dean/OGC</td>
<td>Provost/Vice Provost Approval by Provost/AVP is always required even if requisition is processed via BKB.</td>
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<tr>
<td>educational affiliation agreements such as, but not limited to, academic, scientific</td>
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<td>activities, or other cooperative/collaborative efforts for the purpose of the University</td>
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<tr>
<td>academic or service mission. Examples could be: internship agreements, clinical/practicum</td>
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<tr>
<td>agreements, study abroad, tuition/fee reimbursement agreements (federal govt), etc.</td>
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<tr>
<td>Employment Contracts</td>
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<tr>
<td>Special Contracts - authority to execute and deliver athletic coaching or other special</td>
<td>Division VP/OGC</td>
<td>Division VP/President</td>
</tr>
<tr>
<td>employment contracts. See also TSUS Rules and Regulations, Chapter 5, Section 1.3.</td>
<td></td>
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</tr>
<tr>
<td>Authority to execute and deliver other employment-related agreements</td>
<td>Division VP/OGC</td>
<td>AVPHR/Division VP</td>
</tr>
<tr>
<td>General Business/Service Agreements - applicable to those agreements otherwise undefined</td>
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<tr>
<td>in the Delegation of Authority where SHSU is providing or receiving goods and/or services.</td>
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<tr>
<td>Revenue, business and exempt purchasing expense agreements are applicable to this section.</td>
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<tr>
<td></td>
<td></td>
<td></td>
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<td>Type of Contract or Agreement</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>Gifts - delegation of authority to accept gifts (other than real property)</td>
<td>Dept Head/Chair/Dean/Provost/Assoc-Asst VP/Division VP/AVP Development/Vice President of Advancement</td>
<td>Associate Vice President for Development/Vice President of Advancement</td>
</tr>
<tr>
<td>Gifts - IRS Forms - delegation of authority to execute necessary forms relating to gifts.</td>
<td>VP University Advancement</td>
<td>Vice President for University Advancement</td>
</tr>
<tr>
<td>Intellectual Property - delegation of authority to execute and deliver agreements that grant an interest in intellectual property up to $500,000 in value</td>
<td>Dept Chair/Director/Dean/AVP Research and Sponsored Projects/OGC</td>
<td>Provost/Vice President for Finance and Operations</td>
</tr>
<tr>
<td>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.</td>
<td>Dept Head/Chair/Director/Dean/ Assoc-Asst VP/Division VP/OGC Provost/Vice President for Finance and Operations</td>
<td>AVP for Finance and Operations/Vice President for Finance and Operations/Provost/Vice Provost</td>
</tr>
<tr>
<td>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.</td>
<td>Director of Library Services</td>
<td>Director of Library Services/Associate Director of Library Public Services</td>
</tr>
<tr>
<td>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.</td>
<td>TSUS GC in Austin reviews</td>
<td>Upon Approval of VCGC as to legal form, Vice President of Finance and Operations</td>
</tr>
<tr>
<td>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.</td>
<td>OGC</td>
<td>AVP Finance and Operations/Vice President of Finance and Operations</td>
</tr>
<tr>
<td>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.</td>
<td>Dept Head/Chair/Director/Dean/Assoc-Asst VP/Division VP. OGC reviews Contracts where OGC addendum is rejected by vendor/artist.</td>
<td>Division VP/Provost or AVP for Student Services for Entertainer Contracts</td>
</tr>
<tr>
<td>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</td>
<td>Dept Head/Chair/Director/Dean</td>
<td>AVP-Research and Sponsored Programs/Executive Director Research and Sponsored Programs/Associate Director Research and Sponsored Programs</td>
</tr>
<tr>
<td>Sponsored Research (State and Federal) - delegation of authority to execute and deliver state and federal contracts or proposals for sponsored research</td>
<td>Dept Head/Chair/Director/Dean</td>
<td>Provost/AVP-Research</td>
</tr>
</tbody>
</table>
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.