

# 25.07.99.D1 Contract Administration

Approved: November 18, 2016 Next Scheduled Review: November 18, 2019

# **Rule Statement**

The Texas A&M University-Central Texas (A&M-Central Texas) contract administration rule is promulgated pursuant to The Texas A&M University System (System) contract administration policy and regulation and constitutes the provisions that govern administration of A&M-Central Texas contracting authority.

# **Reason for Rule**

The purpose of the rule is to assist A&M-Central Texas employees with compliance in regard to the rules that govern administration of A&M-Central Texas contracting authority.

# **Procedures and Responsibilities**

#### 1. GENERAL

- 1.1 Contracts may vary by title, form, and substance. Contracts may include, but are not limited to the following, including any amendments, modifications, and extensions of those contracts:
  - (a) Purchase Orders
  - (b) Agreements
  - (c) Cooperative Agreements
  - (d) Grants
  - (e) Loans
  - (f) Licenses
  - (g) Letters of Intent
  - (h) Easements Agreements
  - (i) Employment Contracts
  - (j) Memorandums of Understanding
  - (k) Interagency Contracts
  - (1) \$0.00 Contracts
  - (m)Releases/Waivers
  - (n) Leases
- 1.2 Parties to contracts may include, but are not limited to:
  - (a) Private business
  - (b) Partnerships

- (c) Individuals
- (d) Federal, state and local agencies
- (e) Foreign governments
- (f) Non-profit entities
- 1.3 All contracts must undergo campus-level review and approval. In some cases System Office of General Counsel must review it as well. Depending on the type of review process and length/complexity of the contract, it could take up to 6 months for the review process to be completed.
- 1.4 Only an individual with written delegation of authority from the President of the University may execute and deliver contracts on behalf of the University. A University contract without an authorized signature is invalid and unenforceable and may create individual liability for the unauthorized signer. The authority to enter into contracts on behalf of the University must also be pursuant to System Policy 25.07 Contract Administration, System Regulation 25.07.01 Contract Administration Procedures and Delegations, and approved contract administration procedures.

### 2. CONTRACT ADMINISTRATION

- 2.1 The purpose of contract administration is:
  - (a) To identify who the responsible parties are;
  - (b) To ensure the involvement of all parties from the beginning;
  - (c) To confirm all objectives or steps that are to be accomplished are addressed;
  - (d) To validate the cost, know how the cost was calculated, and how funds are to be paid;
  - (e) To ensure provisions are clearly defined and understood to hold the contractor accountable for producing the desired results and staying within budget.
  - (f) Employees whose functions are closely related to those of the financial aid office may be required to receive the training as deemed appropriate by the Provost/Vice President for Academic and Student Affairs.
- 2.2 The elements required to create a contract are:
  - (a) An offer;
  - (b) An acceptance in compliance with the offer;
  - (c) Made by competent parties; and
  - (d) Based on adequate consideration.
- 2.3 The involvement of the contract originator is to:
  - (a) Ensure compliance of the contract;
  - (b) Communicate internally and externally with all responsible parties;
  - (c) Maintain a professional relationship;
  - (d) Meet milestones;
  - (e) Avoid "risk" regarding liabilities.

#### 2.4 Contract originators should:

- (a) Strive to keep the relationship of all parties favorable;
- (b) Remain impartial in dealing with competing vendors;
- (c) Be fair in all dealings with involved parties;
- (d) Demonstrate integrity.

- 2.5 Problems in contract administration can be caused by:
  - (a) Inability to meet terms of the contract;
  - (b) The poor selection of contractors;
  - (c) Improperly developed specifications;
  - (d) Lack of effective communication between parties;
  - (e) Unsatisfactory reimbursement methods;
  - (f) Unacceptable record keeping;
  - (g) Absence of timely notices;
  - (h) Unclear language.
- 2.6 Contract management must be in accordance with the System Contract Management Handbook.

#### 3. **RESPONSIBILITIES**

- 3.1 The responsibilities of a contract originator are:
  - (a) Be the originator of the contract process;
  - (b) Contact the Procurement Coordinator to determine if the vendor can be used for the contract or if the service/product should go out for bid;
  - (c) Work with the Contract Specialist if the vendor cannot provide a contract or the university is the originator of the contract;
  - (d) Request an electronic version of the contract preferably in an editable format (such as a Microsoft Word document), but PDF will be accepted if unable to get the contract in an editable format from vendor;
  - (e) Work with vendor on any corrections, omissions, and/or errors as needed during the approval process;
  - (f) Request a contract start date that is far enough in the future to allow the contract review process to be accomplished;
  - (g) Ensure the performance under the contract does not begin until after the start date and a purchase order is issued if required;
  - (h) Complete the Contract/Agreement Approval Transmittal Form and attach a copy of the contract and all required documents to begin the approval process;
  - (i) Be available throughout the process to answer any questions related to the contract;
  - (j) After the contract is fully executed, provide vendor contact information and vendor W-9, if necessary, to Procurement Coordinator. Procurement Coordinator will ensure that the vendor is added into Buy A&M (BAM);
  - (k) Keep a copy of the fully executed contract within the department;
  - (l) Work with the Contract Specialist to monitor and ensure compliance with all terms and conditions of the contract;
  - (m)Ensure all payments are made according to the contract;
  - (n) Determine whether or not to extend the contract if the option is available in the contract. If the option is not available, the contract originator will decide if another contract is warranted with the existing vendor or to change vendors for services/products needed;
  - (o) Complete the required contract closeout form provided by the Contract Specialist at the conclusion of the contract.

- 3.2 The responsibilities of the director are:
  - (a) Read the contract and all attachments to ensure the contract meets the department's requirements;
  - (b) Ensure the timeline given in the contract is reasonable and corresponds with the department's goals and objectives;
  - (c) Verify funds are available to meet the obligations of the contract and verify that the Contract/Agreement Approval Transmittal Form has been completed;
  - (d) Recommend the contract for execution if the director determines it to be satisfactory.
- 3.3 The responsibilities of the Contract Specialist are:
  - (a) Review the contract and all attachments paying particular attention to details of:
    - Insurance requirements
    - Assignment of the contract
    - Default and termination procedures
    - Dispute resolution
    - Payment terms
    - Length of contract
    - Contract start and end dates
    - Contact information for all responsible parties
    - Type of currency used in the contract
    - State contracting requirements are included
    - Notices
    - Indemnification, Waivers, Attorney's Fees, etc.
    - Confidentiality
    - Venue for suits
    - Force Majeure
    - Governing law
    - Severability
    - (b) Return all items to contract originator if items are missing;
  - (c) Read the contract, use the OGC's Contract Review Checklist to ensure all required items are in the contract, work with contract originator to eliminate unacceptable items (if unable to resolve, make a note of it on the face of the contract), and have a full understanding of the document;
  - (d) Fulfill all reporting regarding the contract required under System policy and regulation, applicable law, and the terms of the contract;
  - (e) Assist contract originator with any changes that need to be made to the contract;
  - (f) Confirm all term and conditions of the contract meet state purchasing guidelines;
  - (g) Determine the correct signature authority and routing path required for the contract;
  - (h) Maintain contact with contract originator;
  - (i) Sign the Contract/Agreement Approval Transmittal Form and attach it, the checklist, and a copy of the contract and all attachments and forward to the next authorized representative;
  - (j) Keep a database of all contracts and inform contract originators and/or departments of renewals and expirations.
- 3.4 The responsibilities of the assigned signature authority, per the Delegation of Authority, are:

- (a) Review all documents to ensure the contract is a valid need to further the mission of the university;
- (b) Sign the Contract/Agreement Approval Transmittal Form, the contract, and all necessary supporting documentation and forward to the Contract Specialist.

# **Related Statutes, Policies, or Requirements**

System Policy <u>25.07 Contract Administration</u> System Regulation <u>25.07.01 Contract Administration Procedures and Delegations</u> System Contract Management Handbook

# **Contact Office**

Contract Specialist 254-501-5869

### TEXAS A&M UNIVERSITY-CENTRAL TEXAS THE TEXAS A&M UNIVERSITY SYSTEM President's Delegation of Authority for Contract Administration Fiscal Year 2016

### **General Delegations:**

The Chancellor is delegated the authority to sign and approve contracts of less than \$500,000 not specifically reserved by the Board of Regents in System Policy 25.07, *Contract Administration*. In accordance with System Policy 25.07, §6, the Chancellor may delegate authority to deputy chancellors, vice chancellors, CEOs or others to sign and approve these contracts.

In accordance with System Policy 25.07, the Delegation of Authority for Contract Administration for all contracts less than \$500,000 is shown on the following pages. In case of unavailability of the person who has the delegated authority, either the Chief Academic Officer or the Chief Financial Officer is delegated the authority to execute the contract.

Certain contracts that involve or exceed \$500,000 or are longer than 5 years must be approved by the Board of Regents in accordance with System Policy 25.07, §2.

#### Legend:

AP	Associate Provost	OGC	Office of General Council
ARI	Author/Researcher/Inventor	PI	Principal Investigator
BOR	Board of Regents	PIC	Procurement & Inventory Coordinator
CAO	Chief Academic Officer	PUR	TAMU Purchasing
CEO	Chief Executive Officer	SCIO	System Chief Information Officer
CFO	Chief Financial Officer (function of OGC)	SOBA	System Office of Budgets & Accounting
CH	Chancellor	SP	System Policy
CIO	Chief Information Officer	SR	System Regulation
CRO	Chief Research Officer	SREO	System Real Estate Office, function of OGC
DC	Department Chair	SRM	System Risk Management
Dean	Dean	SRMO	Safety & Risk Management Officer
DIR	Director	STS	System Treasury Services
EVC	Executive Vice Chancellor & CFO	TRC	Tenure Review Committee
FPC	Facilities, Planning, & Construction	TTC	AVC, Texas A&M System Technology

## Notes:

- 1 REQUIRED GENERAL COUNSEL REVIEW (System Policy 25.07, §4): All contracts that have a stated or implied consideration of \$100,000 or more must be submitted to OGC for review and approval as to form and legal sufficiency when required by OGC guidelines that have been approved by the chancellor.
- 2 Proposed contracts and agreements meeting one or more of the following requirements do not need to be reviewed and approved by OGC, provided that such contracts and agreements are reviewed by the member in accordance with System Policy 25.07, System Regulation 25.07.01 and the System Contract Review Checklist: (a) contracts and agreements entered into pursuant to an unaltered contract form or template approved by OGC within the preceding three years; (b) interagency and intra-system agreements entered into pursuant to System Regulation 25.07.06; and (c) sponsored research contracts, cooperative agreements, and grants entered into with an agency of the United States government that contain standard clauses common to such contracts, cooperative agreements and grants.
- 3 All contracts for goods or services must be in compliance with System Regulation 25.07.03, Acquisition of Goods and/or Services. All purchases shall comply with state statutes relating to contracting with historically underutilized businesses and procurement of goods and services from persons with disabilities.
- 4 It is the responsibility of the person noted in the "Typical Routing for Departmental Review" section to signify in writing (via email or memorandum) that they have reviewed the contract before sending it to the next person on the list. It is the responsibility of the person noted in the "Authorization to Execute Contracts" sections to so note the complete routing and review certifications before signing the contract.
- 5 Questions regarding contract administration should be directed to the Chief Financial Officer, Ms. Gaylene Nunn.

	TYPE OF CONTRACT	TYPICAL ROUTING FOR DEPARTMENTAL REVIEW	AUTHORIZATION TO EXECUTE CONTRACTS (Less than \$100,000)	AUTHORIZATION TO EXECUTE CONTRACTS (\$100,000 to \$499,999)
1.	ADVERTISING AGREEMENTS			
1.1	Advertising Agreements	<ul><li>DC or DIR</li><li>Dean (as applicable)</li><li>CFO</li></ul>	CAO or CFO	CAO or CFO
2.	AFFILIATION AGREEMENTS/AFFI	LIATION SERVICE AGREEME	INTS	
2.1	Agreement with Foreign Governmental Bodies	<ul> <li>DC or DIR</li> <li>Dean (as applicable)</li> <li>CRO (as applicable)</li> <li>CAO (as applicable)</li> <li>CFO</li> <li>TTC</li> <li>OGC</li> </ul>	CAO or CFO	<ul> <li>CAO or CFO (&lt;\$300,000)</li> <li>CEO</li> </ul>
2.2	Private Companies & Foundations	<ul> <li>DC or DIR</li> <li>Dean (as applicable)</li> <li>CRO (as applicable)</li> <li>CAO (as applicable)</li> <li>CFO</li> <li>TTC</li> <li>OGC</li> </ul>	CAO of CFO	<ul> <li>CAO of CFO (&lt;\$300,000)</li> <li>CEO</li> </ul>
3.	ARTICULATION AGREEMENTS			
3.1	Agreements with other institutions of higher education regarding transfer of courses	<ul><li>CAO</li><li>CFO</li></ul>	• CAO	• CEO
4.	ATHLETIC AGREEMENTS			
4.1	Athletic Events Scheduled NCAA sanctioned sporting events.	• N/A	• N/A	• N/A
	4.1.1 Athletic Game Guarantees	• N/A	• N/A	• N/A
4.2	Athletic Event Sponsorship	• N/A	• N/A	• N/A
4.3	Transportation Purchase Order Contracts	• N/A	• N/A	• N/A
4.4	Hotel Purchase Order Contracts	• N/A	• N/A	• N/A
4.5	Athletic Facility Rental Agreements Limited use of System property by outside entities.	See Section 19.4.1 herein.	See Section 19.4.1 herein.	See Section 19.4.1 herein.

	TYPE OF CONTRACT	TYPICAL ROUTING FOR DEPARTMENTAL REVIEW	AUTHORIZATION TO EXECUTE CONTRACTS (Less than \$100,000)	AUTHORIZATION TO EXECUTE CONTRACTS (\$100,000 to \$499,999)
4.6	Recreational Sports Event Sponsorship	<ul><li>DIR</li><li>Dean</li><li>CFO</li></ul>	• CFO	• CFO
5.	<b>CONSTRUCTION CONTRACTS</b> (SP	51.02, 51.04, SR 51.04.01) * Mone		ply to this Section.
5.1	Minor Projects (Less than \$4,000,000)	<ul> <li>CFO</li> <li>CEO</li> <li>OGC</li> </ul>	• CFO	
5.2	Major Projects (\$4,000,000 or more, but less than \$10,000,000)	<ul> <li>CFO</li> <li>CEO</li> <li>FPC</li> <li>OGC</li> </ul>	<ul><li>CFO</li><li>BOR</li></ul>	
5.3	Architect/Engineer Employment of Architect/Engineer for Consultant/Engineering Professional Services.	<ul> <li>CFO</li> <li>CEO</li> <li>FPC</li> <li>OGC</li> </ul>	• CFO	
6.	CONSULTING AGREEMENTS	•		
6.1	Statutory Consulting Agreements <u>Acquisition</u> of consulting services as defined by Texas Government Code § 2254.021.	See Section 22.7 herein.	See Section 22.7 herein.	See Section 22.7 herein.
6.2	Statutory Consulting Agreements <u>Providing</u> consulting services to 3 <sup>rd</sup> parties	See Section 21.1 herein.	See Section 21.1 herein.	See Section 21.1 herein.
7.	DONOR AGREEMENTS (SP 21.05, SF	R 21.05.01)		
7.1	Personal Property with Restrictions ( <i>including indemnification</i> ) on Acceptance ( <i>including cash or cash</i> <i>equivalents</i> ) See SP 21.05.	<ul> <li>DC or DIR</li> <li>Dean (as applicable)</li> <li>CAO (as applicable)</li> <li>CFO</li> <li>CEO</li> <li>SOBA (as applicable)</li> <li>TTC (as applicable)</li> <li>OGC</li> </ul>	• CEO	<ul> <li>CEO (&lt;\$1,000,000)</li> <li>CH (&gt;\$1,000,000)</li> </ul>
7.2	Real Property (including all bequests) All decisions involving accepting donations of real property should be	See Section 19.1 herein.	See Section 19.1 herein.	See Section 19.1 herein.

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	coordinated through the SREO pursuant to SP 41.01.			
8.	EMPLOYMENT APPOINTMENTS			
8.1	Faculty Offer Letters (Conditional letters	of appointment to faculty)		
	8.1.1 Approval of Appointment Offers – Tenure with Appointment ( <i>Rank</i>	<ul><li>Dean</li><li>TRC</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
	of Professor, Associate Professor)	• CAO		• BOR
	8.1.2 Approval of Appointment Offers – Tenure-Track Faculty Appointments ( <i>Rank of Associate</i> <i>Professor, Assistant Professor,</i> <i>Instructor</i> )	<ul> <li>Dean</li> <li>TRC</li> <li>CAO</li> </ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> <li>BOR</li> </ul>
	8.1.3 Approval of Appointment Offers – Non-Tenure Track Appointments (e.g. Visiting Faculty Titles & Lecturer Titles)	<ul><li>DC</li><li>Dean</li><li>CAO</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
	8.1.4 Approval of Appointment Offers – Appointment and accompanying salary changes as <i>Dean</i> , <i>Interim</i> <i>Dean</i> , <i>Acting Dean</i>	<ul><li>CAO</li><li>CEO</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> <li>BOR (Deans only)</li> </ul>
	8.1.5 Approval of Appointment Offers – Appointment and accompanying salary changes as <i>Academic</i> <i>Department Head, Interim Head,</i> <i>Acting Head</i>	<ul><li>Dean</li><li>CAO</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
	8.1.6 Approval of Appointment Offers – Appointment and accompanying salary changes for faculty members appointed as <i>Director of</i> <i>an Academic Administrative</i> <i>Services Center or Institute</i>	<ul><li>Dean</li><li>CAO</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
	8.1.7 Approval of Appointment Offers – Appointment and accompanying salary changes as Associate or Assistant Dean	<ul><li>Dean</li><li>CAO</li></ul>	• CAO	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
	8.1.8 Approval of Appointment Offers –	• Dean	• Dean (<\$85,000)	• CAO (<\$200,000)

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	Appointment and accompanying salary changes as Associate or Assistant Department Head, Departmental Division Head	• CAO	• CAO	• CEO
	8.1.9 Approval of Appointment Offers – Faculty Appointments in Excess of Budgeted 100% Assignment	<ul><li>Dean</li><li>CAO</li></ul>	• CAO	<ul><li>CAO (&lt;\$200,000)</li><li>CEO</li></ul>
	8.1.10 Continuing and Extension Education	<ul> <li>DC</li> <li>Dean</li> <li>AP (as applicable)</li> <li>CAO</li> </ul>	• CAO	<ul><li>CAO (&lt;\$200,000)</li><li>CEO</li></ul>
	8.1.11 Other Instructional Agreements – Temporary Hires ( <i>part-time</i> <i>faculty, adjunct faculty</i> )	<ul><li>DC</li><li>Dean</li><li>CAO</li></ul>	• CAO	<ul><li>CAO (&lt;\$200,000)</li><li>CEO</li></ul>
	8.1.12 Off-Campus Instruction	<ul><li>DC</li><li>Dean</li><li>CAO</li></ul>	• CAO	<ul><li>CAO (&lt;\$200,000)</li><li>CEO</li></ul>
	8.1.13 Graduate Assistants ( <i>initial</i> employment agreement for graduate student assistants)	<ul><li>Dean</li><li>CIR</li></ul>	<ul> <li>Dean or DIR (&lt;\$20,000)</li> <li>CAO</li> </ul>	<ul> <li>CAO (&lt;\$200,000)</li> <li>CEO</li> </ul>
8.2	Non-Faculty Employment Appointments 8.2.1 Approval of Appointment Offers – Non-Classified Administrative Staff	<ul><li>Dean or DIR</li><li>HRO</li></ul>	• HRO	• HRO
	8.2.2 Approval of Appointment Offers – Classified Support Staff	<ul><li>Dean or DIR</li><li>HRO</li></ul>	• HRO	• HRO
	8.2.3 Approval of Appointment Offers – Staff in Excess of Budgeted 100% Assignment	<ul><li>Dean or DIR</li><li>HRO</li></ul>	• HRO	• HRO
9.	EQUIPMENT LEASE AGREEMENTS			
9.1	Equipment Lease with Purchase Option Non-employee (former faculty, research sponsor, etc.) rental for a specific period with fixed purchase option of TAMUCT- owned equipment.	•	•	•

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9.2	Equipment Lease for <i>TAMUCT</i> -Related Activities Non-employee (student, conference, etc.) rental for a specified period of <i>TAMUCT</i> -owned vehicle or other equipment.	<ul> <li>Dean or DIR</li> <li>CRO (as applicable)</li> <li>SRMO</li> <li>CFO</li> <li>OGC</li> </ul>	• CFO	• CFO
	9.2.1 Rental Vehicles (Non- TAMUCT Lessee)	<ul> <li>Dean or DIR</li> <li>SRMO</li> <li>CFO</li> <li>OGC</li> </ul>	• CFO	• CFO
	9.2.2 Equipment	<ul> <li>Dean or DIR</li> <li>CRO (as applicable)</li> <li>SRMO</li> <li>CFO</li> <li>OGC</li> </ul>	• CFO	• CFO
		TAMUCT as Less		
9.3	Equipment Lease with Purchase Option Rental of equipment for TAMUCT use with fixed option to purchase within a specified period (five years or less).	<ul><li>Dean or DIR</li><li>CFO</li></ul>	• CFO	• CFO
9.4	Equipment Lease (Rental) Rental of equipment forTAMUCT use for a specified period (five years or less).	<ul><li>Dean or DIR</li><li>CFO</li></ul>	<ul> <li>Dean or DIR (&lt;\$50,000 total contract)</li> <li>CFO</li> </ul>	• CFO
10.	FEDERAL & STATE REGULATORY	AGREEMENTS		
10.1	Permits, Licenses, Declarations, Applications Filed with Regulatory Agencies	<ul><li>Dean or DIR</li><li>CFO</li><li>OGC</li></ul>	CAO or CFO	• CAO
11.	GRANT PARTICIPATION AGREEM	ENTS (FEDERAL/STATE/LOCA	,	
11.1	Grants (sponsored projects)	<ul><li>Dean or DIR</li><li>CRO</li><li>CAO</li></ul>	CAO	• CAO
11.2	Student Financial Aid	<ul><li>DIR</li><li>CAO</li></ul>	CAO	• CAO
11.3	Funding Agreements	• Dean or DIR	• CAO	• CAO

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	(Academic)	<ul> <li>CRO (as applicable)</li> <li>CAO</li> <li>CFO</li> <li>OGC</li> </ul>		
11.4	Funding Agreements (Non-Academic)	<ul> <li>DIR</li> <li>CAO</li> <li>CFO</li> <li>OGC</li> </ul>	CAO or CFO	• CFO
12.	INTELLECTUAL PROPERTY (SP 17 Texas A&M Technology Commercia			
12.1	Technology Transfer 12.1.1 Patent License Agreement ( <i>Technology Transfer</i> )	<ul> <li>ARI</li> <li>Dean or DIR</li> <li>CFO</li> <li>TCC</li> <li>OGC</li> </ul>	CAO or CFO	• CEO
	12.1.2 Non-Patent License Agreement ( <i>Technology Transfer</i> )	<ul> <li>Dean or DIR</li> <li>CFO</li> <li>TCC</li> <li>OGC</li> </ul>	CAO or CFO	CAO or CFO
	12.1.3 Trademark License	<ul> <li>Dean or DIR</li> <li>CFO</li> <li>TTC (as applicable)</li> <li>OGC</li> </ul>	CAO or CFO	CAO or CFO
	12.1.4 Invention/Software Copyright Disclosure	<ul> <li>ARI</li> <li>Dean or DIR</li> <li>CFO</li> <li>TCC</li> <li>OGC</li> </ul>	• N/A	• N/A
	<ul><li>12.1.5 Software License</li><li>12.1.6 Material Transfer (<i>Commercial</i>)</li></ul>	See Section 18.3 herein. <ul> <li>ARI</li> <li>Dean or DIR</li> <li>CFO</li> <li>TCC</li> </ul>	<ul><li>See Section 18.3 herein.</li><li>CAO or CFO</li></ul>	<ul><li>See Section 18.3 herein.</li><li>CAO or CFO</li></ul>

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	12.1.7 Material Transfer (Non- Commercial)	<ul> <li>OGC</li> <li>ARI</li> <li>Dean or DIR</li> <li>CFO</li> <li>TCC</li> <li>OGC</li> </ul>	CAO or CFO	CAO or CFO
12.2	Intellectual Property Application and Prosecution	<ul><li>CFO</li><li>TTC</li></ul>	• TTC	• TTC
12.3	Collegiate Licensing	<ul><li>DIR</li><li>CFO</li><li>OGC</li></ul>	• CFO	• CFO
12.4	Nondisclosure/Confidentiality Agreements Committing TAMUCT or individuals other than the individual signing. (Nondisclosure/Confidentiality Agreements that SOLELY bind the individual signing are exempt.)	<ul> <li>CAO (as applicable)</li> <li>CFO</li> <li>OGC</li> </ul>	• CAO	• N/A
12.5	Texas Inter-Agency Agreements Commitment for the use/acquisition (provision) from (to) another state agency or institution	<ul> <li>CAO (as applicable)</li> <li>CFO</li> <li>OGC</li> </ul>	• CAO	• CAO
12.6	Business Services Agreements (with outside entities)	CFO     OGC	• CAO	• CAO
12.7	Affiliation Agreements with Foreign Governmental Bodies and Private Companies and Foundations	CFO     OGC	• CAO	• CAO
12.8	Federal/State Program Participation Agreements	<ul><li>CFO</li><li>TTC</li><li>OGC</li></ul>	• CAO	• CAO
12.9	Federal/State Regulatory Agreements (permits, licenses, declarations, applications filed with regulatory agencies)	CAO     OGC	• N/A	• N/A
12.10	Intra-System Agreements	• Dean or DIR	CAO or CFO	CAO or CFO

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	Commitments for the use/acquisition (provision) from (to) other System Members	<ul><li>CFO</li><li>TTC</li><li>OGC</li></ul>		
12.11	Memorandum of Agreement Non-academic (letter style) agreements which document programmatic commitments between TTC and Non- System entities	<ul><li>CFO</li><li>TTC</li><li>OGC</li></ul>	CAO or CFO	• CEO
13.	<b>INTER-AGENCY and INTER-LOCAI</b>	AGREEMENTS		
13.1	Inter-Agency Agreements Commitment for the use/acquisition (provision) of resources from (to) another STATE AGENCY governed by Texas Government Code Chapter 771	<ul><li>Dean or DIR</li><li>CIO (as applicable)</li><li>CFO</li></ul>	• CFO	• CFO
13.2	Inter-Local Agreements Commitment for the use/acquisition (provision) of resources from (to) a LOCAL GOVERNMENT governed by Texas Government Code Chapter 791	<ul> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>CFO</li> </ul>	<ul><li>Dean or DIR (&lt;\$10,000)</li><li>CFO</li></ul>	• CFO
14.	INTRA-SYSTEM AGREEMENT	·		
14.1	Intra-System Agreement Commitment for the use/acquisition (provision) of resources from (to) other SYSTEM members.	<ul> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>CFO</li> </ul>	<ul><li>Dean or DIR (&lt;\$10,000)</li><li>CFO</li></ul>	• CFO
15.	LEGAL (SP 09.04, SR 09.04.01)			
15.1	Litigation (See 15.1.1 below) All settlements shall have concurrence of the TAMUCT CEO and General Counsel and where required, the approval of the State Attorney General. 15.1.1 Approval to Settle: <b>\$100,000 or less General Counsel</b>	<ul> <li>CFO</li> <li>CEO</li> </ul>	• OGC	<ul> <li>CH (\$100,000 - \$300,000)</li> <li>BOR (&gt;\$300,000)</li> </ul>
	\$100,000 to \$300,000 Chancellor More than \$300,000 BOR	• OGC		(, + 0,000)
15.2	Outside Legal Counsel General Counsel acts as liaison to the	CFO     OGC	• OGC	• OGC

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	Attorney General and shall retain, manage and approve all outside counsel for the System and its members.			
16.	MEMORANDA OF AGREEMENT/UN			
16.1	General Memorandum of Agreement or Understanding (Letter Agreement) Documents programmatic commitments between TAMUCT and non-TAMUS entities; contracts to perform educational and service activities consistent with the TAMUCT's mission.	<ul><li>DC</li><li>Dean or DIR</li><li>CAO</li><li>CFO</li></ul>	• CAO	CAO or CEO
16.2	Cooperative Agreements Student co-op affiliation agreements with sponsoring entities.	<ul> <li>DC</li> <li>Dean or DIR</li> <li>CAO</li> <li>CFO</li> </ul>	• CAO	• CAO
16.3	International Affairs Documents mutual obligations for international joint programs.	<ul> <li>DC</li> <li>Dean or DIR</li> <li>CAO</li> <li>CFO</li> <li>OGC</li> </ul>	• CAO	• CEO
16.4	International Study Abroad Program	<ul><li>Dean or DIR</li><li>CAO</li><li>CFO</li></ul>	• CAO	• CEO
16.5	Training Affiliation (internships) Documents mutual obligations to establish training [internship opportunities] for TAMUCT's students.	<ul> <li>DC</li> <li>Dean or DIR</li> <li>CAO</li> <li>CFO</li> </ul>	<ul> <li>Dean or DIR (&lt;\$25,000)</li> <li>CAO</li> </ul>	• CAO
16.6	Work Study Program Agreements	<ul> <li>DC</li> <li>Dean or DIR</li> <li>CAO</li> <li>CFO</li> </ul>	<ul> <li>Dean or DIR (&lt;\$25,000)</li> <li>CAO</li> </ul>	• CAO
17.	MEMORANDA OF AGREEMENT/UN			
17.1	General Memorandum of Agreement or Understanding (Letter Agreement) Documents commitments between	<ul><li>Dean or DIR</li><li>CFO</li></ul>	• CFO	• CFO

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	TAMUCT and non-TAMUS entities that are non-academic in nature.			
18.	PURCHASE AGREEMENTS TAMUC	T acquiring goods and non-profess	ional services)	
18.1	TAMUCT Purchase Orders Purchase of goods from outside vendor using standard form promulgated by TAMUCT which are processed through the appropriate bid process in accordance with TAMUS policies and State requirements.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>SCIO (&gt;\$250,000 as applicable)</li> <li>PIC</li> <li>PUR (&gt;\$5,000)</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
18.2	Vendor Purchase Orders Purchase of goods or services from outside vendor using vendor supplied document or negotiated agreement.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>SCIO (&gt;\$250,000 as applicable)</li> <li>PIC</li> <li>PUR</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
18.3	Software License Agreements Contract for site use of computer software using vendor supplied document or agreement.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>SCIO (</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
	18.3.1 Department Contract limiting application to specific Department.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>SCIO (&gt;\$250,000 as applicable)</li> <li>PIC</li> <li>PUR (&gt;\$5,000)</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
	18.3.2 University Contract providing University- wide computing application.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>SCIO (&gt;\$250,000 as applicable)</li> <li>PIC</li> <li>PUR</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO

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18.4	Memberships Purchase of Organizational Affiliations for individuals, groups, or the institution.	•	•	•
	18.4.1 Professional/Service Associations Purchase by TAMUCT on behalf of an individual, group or the institution of a membership in a professional or service organization.	<ul> <li>Dean or DIR</li> <li>CEO (institutional membership)</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	<ul> <li>CAO or CFO</li> <li>CEO (institutional membership)</li> </ul>
	18.4.2 Social/Individual Purchase by TAMUCT on behalf of an individual of a membership in a social organization.	• N/A	• N/A	• N/A
18.5	Library Acquisitions Books, subscriptions, reference materials, memberships purchased for the express purpose of obtaining publications. Database services and lease agreements for electronic library materials.	<ul> <li>DIR</li> <li>CIO (as applicable)</li> <li>SCIO (&gt;\$250,000 as applicable)</li> <li>PIC</li> <li>PUR</li> </ul>	<ul><li>DIR (&lt;\$75,000)</li><li>CAO or CFO</li></ul>	CAO or CFO
18.6	Library Subcontracts TAMUCT library subcontracts to provide off-campus library services.	<ul> <li>DIR</li> <li>CAO</li> <li>CFO</li> </ul>	• CAO	• CAO
18.7	Commercial Licenses (Chick-Fil-A, etc.)	<ul><li>CFO</li><li>OGC</li></ul>	• CFO	• CFO
18.8	Maintenance Agreements acquired with equipment purchase or as stand-alone purchase	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CIO (as applicable)</li> <li>CFO</li> <li>PIC</li> <li>PUR (&gt;\$5,000)</li> </ul>	<ul> <li>Dean or DIR (&lt;\$50,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
18.9	Partial Sale, Partial Gift Purchases (See SP 21.05, §3)	<ul><li>Dean or DIR</li><li>CFO</li></ul>	• BOR	• BOR

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		<ul><li>CEO</li><li>SOBA</li><li>OGC</li></ul>		
18.10	Financing Service Agreements related to the acquisition of good or services.	<ul><li>CFO</li><li>OGC</li></ul>	• CFO	• CFO
19.	<b>REAL PROPERTY TRANSACTIONS</b>	(SP 41.01, SR 41.01.01) <sup>1</sup> * Monet	ary Categories Above Do Not App	ply to this Section
19.1	<ul> <li>Gifts/Bequests of Real Property <ul> <li>Per SR 41.01.01, §3:</li> <li>SREO oversees all acquisitions of real property.</li> <li>SOBA and OGC must approve prior to CEO accepting gift.</li> </ul> </li> </ul>	<ul><li>CFO</li><li>CEO</li><li>SREO</li></ul>	<ul> <li>CH (&lt;\$1,000,000)</li> <li>BOR (&gt;\$1,000,000)</li> </ul>	
19.2	Lease of Real Property			
	<ul> <li>19.2.1 TO 3<sup>rd</sup> Parties</li> <li>Lease of SYSTEM-owned facilities and/or land for a period. SREO shall review leases as required by SR 41.01.01, §5.</li> <li>Leases to 3<sup>rd</sup> Parties with a term &gt;5 years, including renewals, must be approved by the BOR as required by SP 41.01, §4.1</li> </ul>	<ul><li>CFO</li><li>CEO</li><li>SREO</li></ul>	• CEO ( < 5 years / \$500,000)	
	<ul> <li>19.2.2 FROM 3<sup>rd</sup> Parties Lease of facilities (office, laboratory, classroom, storage, residence, etc.) and/or land from a 3<sup>rd</sup> party for TAMUCT use for a specified period.</li> <li>Per SR 41.01.01, §6:</li> <li>SREO shall review all such leases except residential property and storage space leases that do not exceed 2 years or \$50,000.</li> </ul>	<ul> <li>CFO</li> <li>CEO</li> <li>SREO</li> </ul>	• CEO	

<sup>&</sup>lt;sup>1</sup> Per SP 41.01.01, §1.5, for each real property transaction, legal forms and documents must be reviewed and approved for legal form and sufficiency by OGC.

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<ul> <li>Member CEOs may execute residential property and storage space leases that do not exceed 2 years or \$50,000 and all other leases that do not exceed 5 years or \$500,000.</li> </ul>			
19.2.3 Student Retreat Facility Lease of facilities (camp grounds, recreational facility, residence, etc.) and/or land for TAMUCT use for a specific student retreat.	<ul><li>DIR</li><li>SRMO</li><li>CFO</li></ul>	• CFO	
19.3 Housing Agreements	•	•	
19.3.1 International Housing University owned or leased housing provided for visiting international faculty.	• N/A	• N/A	
19.3.2 Residence Hall On-campus student housing.	• N/A	• N/A	
19.3.3 Student Apartments Off-campus University-housing provided for students.	• N/A	• N/A	
19.3.4 Mail Box Rental of residence hall mail boxes.	• N/A	• N/A	
19.4 Other Grants of Rights in Real Property	•	•	
19.4.1 Permits, Licenses and Facility Use Agreements covering System property (temporary or periodic use, i.e. arenas, stadiums, classrooms, etc.). See SP 41.01.01, §12.1	<ul> <li>Dean or DIR (as applicable)</li> <li>CFO</li> <li>OGC</li> </ul>	• CFO	
19.4.2 Permits and Licenses of System Land, including Water Use and Antiquities Permits	CFO     OGC	• EVC	

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	19.4.3 Permits, Licenses and Facility Use Agreements covering 3 <sup>rd</sup> Party Property (temporary or periodic use , i.e. arenas, stadiums, classrooms, campgrounds, etc.). See SP 41.01.01, §12.2	<ul><li>SRMO</li><li>CFO</li><li>OCG (as applicable)</li></ul>	CFO	
	19.4.4 Other Real Property Documents (i.e. Surface Use Agreements, Subordination, Non-disturbance & Attornment Agreements, Assignments, Estoppels, Consents, Ratifications, Releases, Memorandums, Affidavits, etc.)	<ul><li>CFO</li><li>OGC</li></ul>	• CEO	
19.5	Service Contracts for Real Property Transactions (surveyors, appraisers, property inspectors, title company contracts, etc.) (See Section 22.6)	• CFO	• CFO	
20.	<b>RESEARCH AGREEMENTS</b>			
20.1	Research agreements (where member is the prime contractor signing the agreement with the sponsor; or member is a subcontractor signing the agreement with the prime contractor or a higher-tier subcontractor). <i>Includes grants,</i> <i>contracts, and cooperative agreements</i>	<ul><li>PI</li><li>Dean</li><li>CRO</li></ul>	<ul> <li>Dean (&lt;\$10,000)</li> <li>CRO (&lt;\$50,000)</li> <li>CAO</li> </ul>	• CEO
20.2	Sub-agreements/Sub-recipient/Sub- grant/Sub-contract agreements for sponsored research and ancillary services (where member is the prime contractor signing the agreement with a subcontractor; or member is a subcontractor signing the agreement with a lower-tier subcontractor).	<ul><li>PI</li><li>Dean</li><li>CRO</li></ul>	<ul> <li>Dean (&lt;\$10,000)</li> <li>CRO (&lt;\$50,000)</li> <li>CAO</li> </ul>	• CEO
20.3	Proposal Submissions	<ul><li>PI</li><li>Dean</li></ul>	• N/A	• N/A

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		CRO     OGC		
20.4	Teaming Agreements	<ul> <li>Dean</li> <li>CRO</li> <li>OGC</li> </ul>	• CAO	• CEO
20.5	Non-disclosure Agreements	<ul><li>Dean</li><li>CRO</li><li>OGC</li></ul>	• N/A	• N/A
20.6	Material Transfer Agreements	<ul><li>PI</li><li>Dean</li><li>CRO</li></ul>	<ul> <li>Dean (&lt;\$10,000)</li> <li>CRO (&lt;\$50,000)</li> <li>CAO</li> </ul>	• CEO
20.7	Testing/Analytical Agreements	<ul><li>PI</li><li>Dean</li><li>CRO</li></ul>	<ul> <li>Dean (&lt;\$10,000)</li> <li>CRO (&lt;\$50,000)</li> <li>CAO</li> </ul>	• CEO
20.8	Misc. Research Agreements. Includes Vessel Time Charter Agreements and Video Production Agreements.	<ul><li>PI</li><li>Dean</li><li>CRO</li></ul>	<ul> <li>Dean (&lt;\$10,000)</li> <li>CRO (\$50,000)</li> <li>CAO</li> </ul>	• CEO
21.	SALES AGREEMENTS (TAMUCT pro	viding goods or services)	•	
21.1	Consultant/Professional Service Agreements TAMUCT acting as consultant or performing professional service (including testing services).	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	<ul> <li>Dean or DIR (&lt;\$10,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
	21.1.1 Analysis Testing	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	<ul> <li>Dean or DIR (&lt;\$10,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
21.2	Property Transfer Agreements (inventoried and non-inventoried items)	•	•	•
	21.2.1 Transfer or surplus property	<ul><li>PIC</li><li>CFO</li></ul>	• CFO	• CFO
	21.2.2 Transfer within the System	PIC     CFO	• CFO	• CFO
	21.2.3 Transfer to another state agency	<ul><li>PIC</li><li>CFO</li></ul>	• CFO	• CFO

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	21.2.4 Transfer to an independent third party	<ul><li>PIC</li><li>CFO</li></ul>	• CFO	• CFO
22.	SERVICES AGREEMENTS (TAMUC	T acquiring services)		
22.1	Educational Testing Services	<ul><li>Dean or DIR</li><li>CFO</li></ul>	• CFO	• CFO
22.2	Entertainment Events Artistic entertainment performance agreements.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>SRMO</li> <li>CFO</li> </ul>	<ul> <li>Dean or DIR (&lt;\$5,000 including travel and lodging)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
22.3	Lecture/Seminar Speaker Agreements Use of non-faculty/staff to lecture or speak in support of institutional programs.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	<ul><li>Dean or DIR (&lt;\$5,000)</li><li>CAO or CFO</li></ul>	CAO or CFO
22.4	Maintenance Agreements	•	•	•
	22.4.1 Purchase with Equipment Purchase Purchase of maintenance services from equipment vendor as an integral part of equipment purchase.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	<ul><li>Dean or DIR (&lt;\$5,000)</li><li>CAO or CFO</li></ul>	CAO or CFO
	22.4.2 Stand Alone Purchase Purchase of maintenance services independent from equipment purchase or vendor.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	<ul><li>Dean or DIR (&lt;\$5,000)</li><li>CAO or CFO</li></ul>	CAO or CFO
22.5	Non-academic Instruction Recreational Sports	<ul> <li>DIR</li> <li>Dean</li> <li>SRMO</li> <li>CFO</li> </ul>	<ul> <li>Dean (&lt;\$5,000)</li> <li>CAO or CFO</li> </ul>	CAO or CFO
22.6	Statutory Professional Services Acquisition of professional services as defined by Texas Government Code \$2254.002 (accounting, architecture, optometry, medicine, land surveying, real estate appraising, and professional engineering).	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	• CFO	• CFO

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	Agreements for outside counsel must comply with Section 15 herein.			
22.7	Statutory Consulting Services Acquisition of consulting services as defined by Texas Government Code §2254.021. Agreements for outside counsel must comply with Section 15 herein.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	• CFO	• CFO
22.8	Student Medical Services	<ul><li>DIR</li><li>Dean</li><li>CFO</li></ul>	CAO or CFO	CAO or CFO
22.9	Unclassified Services Purchase of services not specified elsewhere.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	• CFO	• CFO
23.	SPECIAL EVENTS	·		·
23.1	Conference/Short-Course	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	CAO or CFO	CAO or CFO
23.2	Exhibition Loan Agreements Documents commitments to display, secure, admit public, etc. to view works of art of material of public interest.	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	CAO or CFO	CAO or CFO
24.	<b>UNCLASSIFIED AGREEMENTS</b> <i>Contracts and agreements not</i> <i>specifically classified above.</i>	<ul> <li>DC (as applicable)</li> <li>Dean or DIR</li> <li>CAO (as applicable)</li> <li>CFO</li> </ul>	• CFO	• CFO