

Contracting Authority (Non-employment Related)

Effective: July 1, 2008

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Contact: [Office of General Counsel](#)

Introduction

In order to assure compliance with law and with policies of the Board of Regents, State of Iowa, and to manage risks associated with binding commitments, contracts and agreements should be signed by persons who have the appropriate expertise or who can assure that the appropriate review of such documents occurs. This policy is intended to assure that university commitments through contracts and agreements are properly executed.

This policy is applicable to all contracts other than employment agreements. For hiring authority, see Resources (below).

Authority retained by Board of Regents

The Board of Regents has retained authority to approve contracts for the following transactions as provided in the Regents Policy Manual (RPM 2.2, 2.3) and Iowa Administrative Code (681 IAC 8 and 681 IAC 13.8):

- Real estate purchases, sales, security interests and easements (except for disposal of buildings of a value of less than \$100,000)
- All land leases (except farm leases) and all other real property leases with any of the following terms: 10,000 gross square feet or more, for an annual rental cost of \$150,000 or more, for a period of greater than five years or which include an option or right of first refusal to purchase
- Legal advice or representation, bond counsel or bond-related financial advisors
- Contracts for construction of capital improvements projects with an estimated cost of \$500,000 or more
- Contracts for the renovation, modification or improvement of president's residence with an estimated cost of more than \$100,000
- Contracts for architectural, engineering, construction management, and other design professional and consulting services on capital improvement projects with budgets of \$1,000,000 or more
- Feasibility study agreements for capital improvement projects if the costs of the study is expected to be \$100,000 or more
- Contracts for fire protection services
- Equipment with a unit cost of \$1,000,000 or more

Authority delegated to president

Except for the matters for which it has retained authority, the Board of Regents has delegated authority to the president to sign contracts.

Authority delegated by president

The president is permitted to delegate the authority to sign contracts to others. Except for matters for which the Board of Regents has retained authority, the president delegates authority to sign non-employment related contracts to the following:

- 41 • **Senior Vice President for Operations and Finance** – same authority as president
- 42 • **Senior Vice President and Provost** –
 - 43 ○ Applications, proposals, grants, contracts and agreements relating to research and
 - 44 sponsored projects, and
 - 45 ○ Contracts and agreements relating to educational consortia, joint educational projects,
 - 46 cooperative education, service learning, internship opportunities and academic instruction
 - 47 provided by others
- 48 • **College Deans** –
 - 49 ○ Contracts and agreements relating to student service learning and internship placements
 - 50 outside of the university using forms approved by the Office of General Counsel and for
 - 51 which no funds are exchanged
- 52 • **Vice President for Research** –
 - 53 ○ Applications, proposals, grants, contracts and agreements relating to research and
 - 54 sponsored projects
 - 55 ○ Contracts and agreements with third parties assigning and granting permission to use
 - 56 university copyrighted works and waivers of university’s interest in intellectual property
 - 57 developed by university employees, collaborators and subcontractors
- 58 • **Vice President for Economic Development and Industry Relations** –
 - 59 ○ Applications, proposals, grants, contracts and agreements relating to research and
 - 60 sponsored projects
 - 61 ○ Contracts and agreements with third parties assigning and granting permission to use
 - 62 university copyrighted works and waivers of university’s interest in intellectual property
 - 63 developed by university employees, collaborators and subcontractors
 - 64 ○ Contracts and agreements for the university to provide services to third parties in connection
 - 65 with economic development activities, including non-disclosure and confidentiality
 - 66 agreements
- 67 • **Director of the Office for Intellectual Property and Technology Transfer** –
 - 68 ○ Applications, proposals, grants, contracts and agreements relating to research and
 - 69 sponsored projects
 - 70 ○ Contracts and agreements with third parties assigning and granting permission to use
 - 71 university copyrighted works and waivers of university’s interest in intellectual property
 - 72 developed by university employees, collaborators and subcontractors
- 73 • **Director of the Office of Sponsored Programs Administration** –
 - 74 ○ Applications, proposals, grants, contracts and agreements relating to research and
 - 75 sponsored projects
- 76 • **General Counsel and Director of Trademark Licensing** –
 - 77 ○ Contracts and agreements with third parties granting permission to use university trademarks
 - 78 and servicemarks

79 **Policy Statement**

80 **Review**

81 Contracts requiring Board of Regents approval (see above) must be reviewed by the senior vice
 82 president for operations and finance (or by general counsel in the case of contracts for legal advice
 83 or representation) for presentation to the Board of Regents for approval. Transactions for real estate,
 84 leases and capital improvement projects requiring Board of Regents approval must also be reviewed
 85 by the Capital Projects Advisory Committee (CPAC) prior to submitting such transactions to the
 86 Board of Regents for approval.

87 **Further delegation**

88 With the exception of the college deans and the director of trademark licensing, the officials to whom
89 the president has delegated authority may delegate some or all of the authority vested in that official,
90 including authority to re-delegate, by a memorandum of delegation approved by the Office of
91 General Counsel. In addition, delegation may occur by adoption of a university policy granting
92 contracting authority.

93 **Documentation of delegation**

94 Memoranda of delegation must be filed with the Office of General Counsel. The Office of General
95 Counsel is responsible for the retention of memoranda of delegation.

96 **Authority of managers of fee-for-service units**

97 Approval to conduct activity as a fee-for-service unit with entities outside of the university constitutes
98 a delegation of authority for the manager of the service center to enter into agreements for providing
99 the approved services. For purposes of this policy, a "fee-for-service unit" is any unit that provides,
100 for a fee, goods and/or services to individuals, businesses or other entities outside the university.
101

102 **Resources**

103 **Links**

- 104 • [Contracting at ISU; Contract Assistance \(Office of General Counsel\)](#)
- 105 • [Contract Delegations Website](#)
- 106 • [Procurement Services' Policies & Procedures](#)
- 107 • [Signature Authority for Internal Transactions](#)
- 108 • [Fee-For-Service Operations](#)
- 109 • [Hiring Authority](#)
- 110 • [Iowa Administrative Code \(IAC\) §681-13.8 Contracting Authority](#)
- 111 • [Iowa Code §§262.9, 262.10, 262.32](#)
- 112 • [Board of Regents Policy Manual \(RPM\) - see §2.2 and §2.3](#)