

Office/Contact: Office of Finance and Business

Source: SDBOR Policy 5:3

Link: <https://www.sdbor.edu/policy/documents/5-3.pdf>

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Contract, Agreement, and Memorandum of Understanding Review and Approval

NUMBER: 5:1

1. Purpose

This policy and its procedures set forth the Contract, Agreement, and Memorandum of Understanding (MOU) review and approval protocols related to authorized contracts, agreements, and MOUs executed by delegated signatories at the University as required by and in conformity with South Dakota Board of Regents (SDBOR) Policy, Contracts and Agreements 5:3.

2. Policy

- a. SDBOR Policy, Contracts and Agreements 5:3 delegates the University President exclusive authority to approve contracts, agreements, and MOUs on behalf of the University unless otherwise specifically excepted or delegated. Contracts, agreements, and MOUs otherwise excepted or delegated are not within the scope of this policy.
- b. Contracts, agreements, and MOUs shall be signed only by those who have been delegated authority to do so in writing by the University President in accordance with SDBOR policy. Such contracts, agreements, and MOUs shall include only terms and conditions that are consistent with all applicable law, policies, and procedures.
- c. The Office of the Vice President for Finance and Business or successor shall maintain and make available documentation and information concerning delegations of contract, agreement, and MOU authority. University departments and colleges will maintain corresponding information about their specific delegation of authority and ensure that contracts, agreements, and MOUs are properly approved by appropriate individuals, are in conformity with all applicable laws and policies and procedures developed by the University, the SDBOR, or both, and ensure that such departmental and colleges contracts, agreements, and MOUs are signed by the authorized signatory.

3. Procedures

- a. Departments and colleges will initiate the contract, agreement, or MOU document under their delegated authority. Standard university templates approved by legal counsel may be used as a base document to begin the process. The delegated contract signatory will ensure the contract is in compliance with all applicable state, SDBOR, and University contract requirements.

- b. If the individual with delegated contract signatory authority determines that legal review is required, the contract, agreement, or MOU will be submitted to the University General Counsel, SDBOR General Counsel or both, as appropriate, for legal review. Legal counsel may assist, upon request, with contract, agreement, or MOU drafting, revision, or negotiation. Once the document and its terms and conditions have been approved by the individual with delegated signatory authority, other required institutional or other approvals, and legal counsel if requested, the initiating department or college shall obtain signatures from the contractor and all required departmental or college signatures. The document will then be submitted to the authorized departmental or college signatory for final signature. Documents requiring the University President's signature will be forwarded by the responsible Vice President or University President's direct report to the University President for approval and once executed by the University President will be recorded and retained in accordance with applicable procedures.
 - c. The department or college is responsible for obtaining fully executed documents and distributing copies to appropriate parties. A fully executed original document will be maintained in the department or college required to maintain the document pursuant to record retention protocols. Upon execution, a copy, or if appropriate the original document, will be provided to the Office of the Vice President for Finance and Business or successor for retention pursuant to record retention protocols. Activities contemplated by contracts, agreements, or MOUs may not begin until the fully executed document is obtained.
 - d. Departments and colleges are encouraged to direct questions concerning terms and conditions and protocols as appropriate to the Office of the Vice President for Finance and Business, the Provost and Vice President for Academic Affairs, University General Counsel or SDBOR General Counsel when appropriate, or their designees or successors before obtaining any signatures or agreeing to any terms and conditions.
4. Responsible Administrator

The Vice President for Finance and Business, designee, or successor is responsible for bi-annual and ad hoc review of this policy and annual review of procedures and maintenance of documentation of delegations under this policy. The University President is responsible for delegations and final approval of modifications to this policy and its procedures.

SOURCE: Approved by President 05/14/2013.