



Contract Management Policy

PURPOSE

To establish a university-wide policy on contract approval, signatory authority, and required contract review

POLICY STATEMENT

All contracts, agreements, memoranda of understanding and similar documents legally binding Mississippi Valley State University (MVSU) are subject to the review and approval procedures found in this policy.

MVSU enters into many contractual agreements each year with third parties that provide a wide array of activities involving University funds, facilities, personnel and other resources. The University will only be bound by written contracts to which the University or a department is formally a party, that have been reviewed and approved in accordance with this policy, and that have been executed by University officials who have contract signature authority. No member of the University community, including programs and departments of the University, has the authority to sign contracts on behalf of the University. This policy describes the University's review and approval requirements and recordkeeping requirements for all contracts.

This policy, which pertains to all faculty, staff and administrators, applies to any type of agreement that obligates the University to provide payment, services, goods or use of University property, facilities or other resources to a third party. Contractual agreements governed by this policy include, but are not limited to:

- Leases
- Licenses
- Service agreements
- Insurance contracts
- Personal contracts
- Professional services contracts
- Collections contracts
- Maintenance contracts
- Consulting agreements
- Research agreements
- Affiliation agreements
- Entertainment/performance agreements
- Speaker agreements
- Sporting event agreements
- Copier Contracts
- Outsourcing Contracts
- Memoranda of Understanding/Agreement



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AUTHORITY TO DELEGATE AND EXECUTE

Pursuant to IHL Board Policy 301.0703, the Authority delegated to the Institutional Executive Officer (IEO), such as authority to sign contracts, can be delegated by the IEO to “appropriate and responsible officials” of the University, but that delegation by the IEO must be in writing.

The President is designated as the authorizing official for the University to execute any documents relating to or on behalf of the University. Anyone who signs a contract without written delegation authorizing them to do so is subject to disciplinary action, up to and including termination, and may be legally and financially liable for representations made in the contract.

Any employee who has a conflict of interest with respect to a contract should not be involved in the approval process with respect to the contract. The Conflict of Interest Disclosure Form is required. The purpose of the form is to ensure accountability and to ensure that it was presented prior to entering into an agreement/contract. The Conflict of Interest Disclosure Form is found on the Business and Finance website.

The Athletic Director is authorized to sign approved Athletic Contracts that relate to games, athletic facilities, etc.; however, the Athletic Director is not authorized to enter into agreements/contracts related to personnel. Athletic Coaches do not have signatory authority and are not authorized to enter into a contract on behalf of the Athletic Department or University unless they have specific written authority to do so.

REVIEW AND APPROVAL PROCESS

All contracts or agreements require the Contract Review Form. The purpose of this form is to inform the Area Executive Cabinet Member, Director of Sponsored Programs, Director of Information Technology, Director of Purchasing and Procurement, Vice President for Business and Finance/CFO and Office of the President that the contract is being recommended for approval. This review is designed to provide reasonable assurance that contracts and agreements have been reviewed for availability of funds, risk, compliance, form and legal sufficiency. Until the contract or agreement has been reviewed and signed by the University President, the document shall not be considered legally binding. All contracts executed are held in the University’s master contract file located in the Office of Business and Finance. The Office of the President is responsible to ensure contracts requiring IHL Board approval are submitted to the Board prior to final execution.

CONTRACT ADDENDUM

Contracts with external parties and individuals should have MVSU’s Standard Terms and Conditions Addendum attached. The contract addendum is available on the Business and Finance website.



CONTRACT ADMINISTRATOR

The Contract Administrator (CA) is the individual within the requesting department who has the ultimate responsibility to ensure MVSU receives the services and/or revenue set forth in the contract, MVSU pays the amount set forth in the contract for any services, and the contract is reviewed prior to renewal if applicable. To properly fulfill this function, it is imperative that the CA fully understand the scope of the contract as well as the requirements set forth in the agreement. Some of the aspects the CA needs to verify:

1. Services are being performed as set forth in the contract;
2. Revenues are being received as set forth in the contract;
3. All applicable bonds and insurance documents have been received and are determined to be adequate.

If the CA leaves his/her position during the term of the contract, or the department changes the CA, it is the responsibility of the department head to immediately notify the Office of the President.

The CA is responsible for working with the contractor to revise/edit the agreements in accordance with any recommended change. In some cases, resubmission or final review/approval may be required. The CA should not negotiate on behalf of the University or contractor(s). Any attorney who wishes to communicate directly with the University should be referred to the Office of the President.

IHL BOARD APPROVAL

IHL Board approval is required for all contracts of more than \$250,000. IHL Board approval is also required for all bookstore and food service projected to generate aggregate total revenues of more than \$250,000 or if the term of such contract exceeds four years. When submitting a contract requiring IHL Board approval, the department should submit the proposed contract.

The Office of the President will review the documents for inclusion on the IHL Board agenda and work with the CA for required documents.

CONTRACTS AND PURCHASES RELATED TO INFORMATION TECHNOLOGY

All contracts and purchases of Information Technology equipment, software and services will be reviewed by the Information Technology Director prior to processing by the Office of the President.

REVIEW

This policy will be reviewed every three (3) years or as needed by the Office of the President.