Rule Statement

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

Reason for Rule

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

Procedures and Responsibilities

1 GENERAL

1.1 The Vice President for Business and Administration will establish a process to determine delegated authority, complete the delegation of authority required by the System, obtain presidential approval, and submit the approved document to the President and the System Policy Office.

1.2 Written contracts shall be executed whenever A&M-Commerce enters into a binding agreement with another party that involves any stated or implied consideration. The Vice President for Business and Administration or a designee may waive the requirement for a written contract if the stated or implied consideration is $2,000 or less. Such waiver shall be valid only if in writing.

1.3 Contracts are construed to include, but are not limited to, the following: purchase orders, service agreements, cooperative agreements, memorandums of understanding (foreign or domestic), interagency contracts, grants, loans, easements, licenses, leases, and permits, and amendments, modifications, and extensions of those contracts. Other parties include, but are not limited to: federal, state and local agencies, non-profit organizations, private businesses, partnerships and individuals.
1.3.1 All contracts for the purchase or sale of real property, the lease of system real property, the lease of real property from third parties, the granting or acceptance of easement or rights-of-way, and for any other acquisition or disposal of real property or real property interest shall be governed by System policy and regulations in Chapter 41, Real Estate Management. The delegation of authority for all construction contracts shall be governed by System Policy 51.04 Delegation of Authority on Construction Projects and System Regulation 51.04.01 Chancellor’s Delegation of Authority on Construction Projects.

1.4 For purposes of this rule, contracts made by A&M-Commerce departments for the reservation of hotel and/or conference facilities should be routed through Procurement Services.

1.5 A contract or request for a contract (which may consist of a contract provided by another party) may originate from and be recommended by one of the following: Procurement Services, a principal investigator, department head, dean, vice president, or the president.

1.6 Approval of, and signatures on, a contract constitute approval to establish an operating budget, which does not exceed the consideration of the contract, without further approval. Procurement Services is responsible for creating and maintaining well-defined administrative controls that ensure management exercises its fiduciary responsibilities when executing contracts on behalf of A&M-Commerce. The Assistant Director Contracts shall serve as the University Contracting Officer for Procurement Services.

2 CONTRACTS REQUIRING BOARD OF REGENTS APPROVAL

2.1 Contracts requiring Board of Regents approval shall be forwarded through the Vice President for Business and Administration, who will prepare the agenda item and appropriate documentation in support of the agenda item.

2.2 Contracts shall be signed by the Chancellor or the President, as specified in the Board minute order in which they are approved.

3 CONTRACTS REQUIRING CHANCELLOR APPROVAL

Contracts requiring Chancellor approval shall be forwarded through the Vice President for Business and Administration to the Chancellor for execution and/or delegation in accordance with System Policy 25.07.

4 PRESIDENT DELEGATION OF AUTHORITY TO VICE PRESIDENTS

4.1 The President retains overall authority to approve and sign any and all contractual documents.

4.2 The President has delegated authority to approve and sign contracts that involve a stated or implied consideration (both cash and non-cash) of $350,000 or less to the Vice President for Business and Administration.

4.3 The delegation of authority shall be those stated in the official Delegation of Authority as approved by the President and submitted to the System consistent with section 1.1.
4.4 The President has delegated authority to approve and sign contracts and grants to perform educational and service activities and research consistent with the university's mission, without regard to the stated or implied consideration, to the Vice President for Business and Administration.

5 OTHER DELEGATION OF AUTHORITY

5.1 The President has delegated authority to approve and sign contracts ($100,000 or less), which are processed through procurement methodologies authorized by state statute and in accordance with the system requirements, to the Chief Procurement Officer and designees. The purchase of goods from outside vendors via the state contracts will be processed in accordance with guidelines established by the Texas Comptroller of Public Accounts.

5.2 The President delegates authority to approve and sign contracts ($100,000 or less) for athletic events and all athletic contest contracts to the Assistant Director Contracts. Contracts of $2,000 or less have been delegated to the Athletic Director. Delegation of authority over $2,000 under this provision may not be sub-delegated.

6 GENERAL COUNSEL REVIEW

6.1 Administrative officers’ delegated authority to approve and sign contracts must ensure that such documents have received prior review, as to form and legal sufficiency by Procurement Services and, when required under System policy, the System Office of General Counsel. Requests for contract review by the Office of General Counsel shall be routed through and administered by the Assistant Director Contracts.

7 CONTRACT ADMINISTRATION, CLOSEOUT, AND REPORTING

7.1 Procurement Services is responsible for verifying that all contractual obligations have been fulfilled, for closing out each contract, and for fulfilling all contract reporting required under System policy and regulation, applicable law, and the terms of the contract. Contract management must be in accordance with the system Contract Management Handbook.

Related Statutes, Policies, or Requirements

System Policy 25.07 Contract Administration

System Regulation 25.07.01 Contract Administration Procedures and Delegations

System Regulation 51.04 Delegation of Authority on Construction Projects

System Contract Management Handbook

Supersedes University Procedure 25.07.01.R0.01 Contract Administration
Contact Office

Procurement Services
903-468-3000