

# 1 **Contracting Authority (Non-employment Related)**

2 Effective: July 1, 2008

3 Updated/Revised: May 1, 2018

4 Contact: [Office of University Counsel](#)

## 5 **Introduction**

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

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

## 13 **Authority retained by Board of Regents**

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

- 17 • Real estate purchases, sales, security interests and easements (except for disposal  
18 of buildings of a value of less than \$25,000)
- 19 • All land leases (except farm leases) and all other real property leases with any of the  
20 following terms: 10,000 gross square feet or more, for an annual rental cost of  
21 \$125,000 or more, for a period of greater than five years or which include an option  
22 or right of first refusal to purchase
- 23 • Legal advice or representation, bond counsel or bond-related financial advisors
- 24 • Contracts for construction of capital improvements projects with an estimated cost of  
25 \$500,000 or more
- 26 • Contracts for the renovation, modification or improvement of president's residence  
27 with an estimated cost of more than \$100,000
- 28 • Contracts for architectural, engineering, construction management, and other design  
29 professional and consulting services on capital improvement projects with budgets of  
30 \$1,000,000 or more
- 31 • Feasibility study agreements for capital improvement projects if the costs of the study  
32 is expected to be \$100,000 or more
- 33 • Contracts for fire protection services
- 34 • Equipment with a unit cost of \$1,000,000 or more

## 35 **Authority delegated to president**

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

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39 **Authority delegated by president**

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

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

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## 88 **Policy Statement**

### 89 **Review**

90 Contracts requiring Board of Regents approval (see above) must be reviewed by either the  
91 chief of staff/chief financial officer or the senior vice president for university services (or by  
92 university counsel in the case of contracts for legal advice or representation) for presentation  
93 to the Board of Regents for approval. Transactions for real estate, leases and capital  
94 improvement projects requiring Board of Regents approval must also be reviewed by the  
95 Capital Projects Advisory Committee (CPAC) prior to submitting such transactions to the  
96 Board of Regents for approval.

### 97 **Further delegation**

98 With the exception of the college deans and the director of trademark licensing, the officials  
99 to whom the president has delegated authority may delegate some or all of the authority  
100 vested in that official, including authority to re-delegate, by a memorandum of delegation  
101 approved by the Office of University Counsel. In addition, delegation may occur by adoption  
102 of a university policy granting contracting authority.

### 103 **Documentation of delegation**

104 Memoranda of delegation must be filed with the Office of University Counsel and the  
105 assistant vice president for business services. The Office of University Counsel is  
106 responsible for the retention of memoranda of delegation.

### 107 **Authority of managers of fee-for-service units**

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

## 113 **Resources**

### 114 **Links**

- 115 • [Contracting at ISU; Contract Assistance \(Office of University Counsel\)](#)
- 116 • [Contract Delegations Website](#)
- 117 • [Purchasing Department Policies and Procedures](#)
- 118 • [Signature Authority for Internal Transactions](#)
- 119 • [Fee-For-Service Operations](#)
- 120 • [Hiring Authority](#)
- 121 • [Iowa Administrative Code \(IAC\) §681-13.8 Contracting Authority](#)
- 122 • [Iowa Code §§262.9, 262.10, 262.32](#)
- 123 • [Board of Regents Policy Manual \(RPM\) - see §2.2 and §2.3](#)