**Contracting Authority UPPS No. 03.04.02**

 **Issue No. 9**

 **Effective Date: 08/17/2023**

 **Next Review Date: 12/01/2027 (E4Y)**

 **Sr. Reviewer: Executive Vice President for Operations and Chief Financial Officer**

**POLICY STATEMENT**

*Texas State University is committed to conducting contracting and procurement activities in a manner that aligns with the university’s mission, values, and legal obligations.*

1. **BACKGROUND INFORMATION**

01.01 This policy identifies persons who may sign contracts on behalf of Texas State University. This document also establishes policy for obligating the university to external entities, regardless of whether the commitment is written or oral, or whether the commitment involves financial considerations.

01.02 The president has authority to enter into contracts on behalf of the university provided that the contract does not require approval from the chancellor or The Texas State University System (TSUS) Board of Regents (see [UPPS No. 03.04.04](https://policies.txstate.edu/university-policies/03-04-04.html), Processing, Approving, and Executing Contracts, Purchases, and Agreements).

01.03 This policy does not apply to instances in which university employees or students, acting individually, provide volunteer services outside their regular duties or academic coursework.

01.04 All university contracts must be in writing and must name Texas State as a party. Divisions, colleges, departments, institutes, centers, and offices shall not enter into contracts in their own names.

01.05 This policy does not apply to gift agreements or memoranda of understanding involving donor agreements with the university.

01.06 [TSUS Rules and Regulations, Chapter III, Paragraph 19.3](https://www.tsus.edu/about-tsus/policies.html) requires central review and oversight of all university acquisitions of information technology by the vice president for Information Technology (VPIT), or designee, “including, but not limited to, computing hardware, software, and hosting services, regardless of source of funds.” Administrative heads shall consult with the VPIT prior to executing contracts involving the procurement of technology products or services. The Office of Procurement and Strategic Sourcing will ensure and document that VPIT approval has taken place.

**02. DEFINITION**

02.01 Primary Contracting Official – the university president.

**03. PROCEDURES FOR DELEGATING AUTHORITY**

03.01 The primary contracting official may delegate signature authority to specific positions. Delegations can be found in the [Delegated Signature Authority List](https://www.fss.txstate.edu/contracts.html). Only the primary contracting official, or delegates as explicitly allowed, shall sign contracts regardless of the amount.

03.02 The written delegation must:

1. identify the person, position, or group of positions to which authority is delegated;
2. identify the contracts or types of contracts contemplated in the delegation;
3. specify the length of time for which the delegation is valid, with the understanding that the delegation may continue indefinitely until revoked;
4. specify any conditions or special instructions associated with the delegation; and
5. be submitted to the Office of Procurement and Strategic Sourcing for inclusion on the [Delegated Signature Authority List](https://www.fss.txstate.edu/contracts.html), which shall serve as the authoritative source for all delegations.

03.03 The president may revoke delegated authority at any time by giving written notice of revocation to the delegated person and the executive vice president for Operations and chief financial officer.

03.04 The delegate holding the authority may decline or relinquish that authority only by sending a written notification to the primary contracting official with a copy to the executive vice president for Operations and chief financial officer.

03.05 The executive vice president for Operations and chief financial officer will maintain the [list of delegates](https://www.fss.txst.edu/contracts.html) to whom authority to sign contracts is currently delegated. The list shall be published on the [Division of Finance and Support Services website](http://www.fss.txstate.edu/).

03.06 A contract signed by an unauthorized person is not binding on the university. A person who signs without proper authorization may be personally liable for any damages incurred by the university or the state and may be subject to disciplinary action up to and including termination.

**04. REVIEWERS OF THIS UPPS**

04.01 Reviewers of this UPPS include the following:

Position Date

Executive Vice President for December 1 E4Y

Operations and Chief Financial Officer

Associate Vice President for December 1 E4Y

Financial Services

Director, Office of Procurement and December 1 E4Y

Strategic Sourcing

Director, Information Technology December 1 E4Y

Business Operations and Finance

**05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Executive Vice President for Operations and Chief Financial Officer; senior reviewer of this UPPS

President