

### **C.2.11.2 (Procedure) Contract Signing Authority**

Responsible Department: Legal Services

Based on Board Policy: [B.5.4](#) – Contractual Authority, [C.2.11](#) – Legal Services

Approved: 5-9-11

Last Amended: 9-27-16

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#### **PURPOSE:**

To delegate authority for signing certain contracts specifically identified in this Procedure.

#### **SCOPE:**

This Procedure is a written delegation of signing authority. The directive from the Board of Trustees remains that the Chancellor or designee shall sign **all** contractual agreements unless he issues a written delegation of authority to sign contracts. Nothing herein contained shall authorize any person to sign agreements committing the College District to expenditures of \$50,000 or more in any 12-month period, other than the Purchasing and Contract Administration Department or the General Counsel pursuant to applicable Board Policy and statutory authorization. Nothing herein contained shall authorize any College District employee to expend the funds committed by a contract for which that employee has signature authority hereunder, the authority for any such expenditure must be separately identified.

#### **DELEGATION OF AUTHORITY:**

The Chancellor, through this Procedure, delegates contract signing authority for the following Agreements as set forth below, while retaining his own authority to sign them:

**1. LEASES, SPACE or FACILITY USE AGREEMENTS, EASEMENTS and RIGHTS OF ENTRY, OR PROPERTY EASEMENTS AND RIGHTS OF ENTRY, WITH COLLEGE DISTRICT AS OWNER.** Any agreement that grants another party use of and access to any space, facility or property owned or operated by Alamo Colleges may be signed by any one of the following administrators:

- Vice Chancellor for Finance and Administration
- Associate Vice Chancellor for Facilities Operations and Construction Management
- Vice Chancellor or Associate Vice-Chancellor of Economic & Workforce Development (signing authority limited to space, facility or property under the direct care and control of the Vice Chancellor of Economic & Workforce Development)
- College President (signing authority limited to space, facility or property under the care and control of the respective college)

College Vice President of College Services may sign any agreement, with a value of ten thousand dollars (\$10,000.00) or less, that grants another party use of and access to any space, facility or property under the care and control of the respective college for an aggregate term that is less than or equal to thirty days during the then current fiscal year.

**All** leases, space or facility use agreements valued at more than ten thousand dollars or have an aggregate term of more than thirty days during the then-current fiscal year shall be provided to the Associate Vice Chancellor for Facilities Operations and Construction Management and the Associate Vice-Chancellor for Finance and Fiscal for consultation **prior**

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to signing. The Associate Vice Chancellor for Facilities Operations and Construction Management shall have the authority to sign permissions for third parties to install equipment on small portions of College District property, whether characterized as easements, leases, licenses or otherwise (*e.g.*, cell towers, cable system equipment, etc.), provided that such uses do not displace instructional uses and the College President or Vice Chancellor with responsibility for the installation location is first notified, for adequate consideration payable to the College District, as well as liability releases required by contractors for necessary maintenance.

**Legal review and approval is required prior to signing, except for Facility Use Agreements executed on an unmodified College District current standard form of agreement, including monthly scheduling exhibits to annually executed Recurring Intermittent Facility Use Agreements, but excluding Facility Use Agreements involving political office holders, political events, use fee waivers or the serving of alcohol.**

**2. SIMPLE DUAL CREDIT AGREEMENTS.** Simple Dual Credit agreements with secondary educational institutions, including, without limitation, dual credit agreements between the College District and school districts or home-schooling parents, Gateway to College Agreements, Alamo Academy Agreements, and TECHPREP Agreements, but excluding early college high schools, must be signed by BOTH the:

- Vice Chancellor or Associate Vice Chancellor of Academic Success
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college).

**Initial legal review and approval of the form of agreement to be used is required prior to first use, but the form of agreement, once legally approved, may be repeatedly executed without individual legal approval.**

**3. EARLY COLLEGE HIGH SCHOOL AGREEMENTS.** Early College High School agreements are specifically excluded from the dual credit delegation of authority stated herein and **must** be signed by the Chancellor as well as by the College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college).

**Legal review and approval is required prior to signing.**

**4. AFFILIATION AGREEMENTS.** Affiliation agreements for practical workplace training/education, including, without limitation, the allied health, nursing, dental, veterinary, mortuary science, culinary arts, early childhood studies programs, drug/alcohol

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abuse programs, and programs for American sign language and interpreter training, may be signed by the College President (signing authority limited to courses/credit provided by respective college).

**Legal review and approval is NOT required prior to signing provided that unamended current ACCD Forms are used.**

**5. AGREEMENTS WITH K-12 EDUCATIONAL INSTITUTIONS.** All agreements with K-12 educational institutions and organizations, excluding dual credit Agreements, including, without limitation, College Connection Agreements and Agreements concerning Head Start programs, must be signed by BOTH of the following administrators:

- Vice Chancellor for Student Success
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college).

**Legal review and approval is required prior to signing.**

**6. GRANT AWARD, SUBAWARD AND ADMINISTRATION AGREEMENTS AND SUBAGREEMENTS.** All Grant Award and Administration Agreements and Subagreements will be signed by the Chancellor or his designee if the grant is awarded district-wide. If the grant awarded is college-specific or workforce-specific, and if the granting agency does not require the chief officer (*i.e.*, the Chancellor) to sign, then such agreements may be signed by one of the following administrators who will have administrative and fiscal responsibility and oversight over the grant and/or subagreement:

- Vice Chancellor with administrative and fiscal responsibility and oversight over the grant
- Associate Vice Chancellor for Facilities Operation and Construction Management (limited to facilities-related grants)
- College President (signing authority limited to respective college)

**Note:** *Applications* for grants are not covered by this delegation and will be signed by the Vice Chancellor, Associate Vice Chancellor or College President who will have fiscal responsibility and oversight over the grant if it is subsequently awarded.

**Legal review and approval is required prior to signing of all grant administration agreements and subagreements, and they must be pre-approved by the Office of Grants Accounting (does not apply to grant *applications*).**

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**7. LICENSING AGREEMENTS.** All agreements whereby the College District licenses the intellectual property of others (*e.g.* software and databases) may be signed by one of the following administrators:

- District Director for Purchasing and Contract Administration
- Assistant Director for Purchasing and Contract Administration

**Legal review and approval is required prior to signing.**

**8. INTELLECTUAL PROPERTY AGREEMENTS.** All Agreements licensing or clarifying rival claims of ownership in College District intellectual property will be signed by the Chancellor.

**Legal review and approval is required prior to signing.**

**9. VENDOR TRANSACTION AGREEMENTS.** All Vendor Transaction Agreements for the purchase of goods and services, including licenses to use the intellectual property of others and agreements contracting for the delivery of professional services to the College District, may be signed by one of the following administrators:

- District Director for Purchasing and Contract Administration
- Assistant Director for Purchasing and Contract Administration

**Legal review and approval is required prior to signing.**

**10. INTERGOVERNMENTAL AGREEMENTS.** All intergovernmental agreements, excluding Agreements with Colleges and secondary educational institutions referenced elsewhere herein, will be signed by the Chancellor or, in lieu of the Chancellor, may be signed by one of the following administrators:

- Vice Chancellor with administrative and fiscal responsibility and oversight over the agreement
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college).

**Legal review and approval is required prior to signing.**

**11. COURSE HOSTING AND TRANSCRIPTING AGREEMENTS.** All course hosting and transcribing agreements may be signed by the College President (signing authority limited to courses/credit provided by respective college).

**Legal review and approval is not required prior to signing.**

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**12. AGREEMENTS WITH COLLEGES.** All Agreements with colleges, including, without limitation, articulation, matriculation and course credit transfer agreements, but excluding course hosting and transcription agreements and grant or research related Agreement, must be co-signed by the Vice Chancellor of Academic Success and by the President of each College to which it is to apply, even if the agreement is District-wide.

**Legal review and approval is required prior to signing.**

**13. CONSTRUCTION AGREEMENTS.** All Agreements for the development or construction of improvements to realty, including those incident to public-private partnerships or the cooperative improvement of College District realty by other governmental units, including all change orders, and any agreements incident to the implementation of Board-approved facility-related projects, including, without limitation, realty plats, may be signed by any one of the following administrators:

- Vice Chancellor for Finance and Administration
- Associate Vice Chancellor for Facilities Operations and Construction Management
- District Director for Purchasing and Contract Administration
- Assistant District Director for Purchasing and Contract Administration

**Legal review and approval is required prior to signing.**

**14. INTERNATIONAL AGREEMENTS.** International Agreements, including, without limitation, for cooperation and student or faculty exchange, must be signed by the Chancellor or Deputy Chancellor.

**Legal review is not required for International Agreements limited to cooperation, faculty exchange and student exchange without material change from forms that have received the prior approval of the OLS. Any other international agreements, including any which call for the District to conduct educational programs outside the United States require the prior approval of OLS.**

**15. EDUCATIONAL SERVICE AGREEMENTS.** Educational Services Agreements may be signed by any one of the following administrators:

- Vice Chancellor or Associate Vice-Chancellor for Workforce Development (limited to Corporate College) or responsible College President.

**Legal review and approval is not required prior to signing provided that the College**

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**District is the services provider in the Agreement rather than subcontracting for educational services from another, and that unamended current ACCD Forms are used.**

**16. ACADEMIC RESEARCH AGREEMENTS.** All Academic Research Agreements may be signed by both of the following administrators:

- Vice Chancellor for Academic Success; and
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college)

**Legal review and approval is required prior to signing and the Agreement must be pre-approved by the Office of Grants Accounting.**

**17. AGREEMENTS FOR THE ACQUISITION OF REAL PROPERTY.** All Agreements for the purchase or lease as tenant of improved or unimproved real property may be signed by any one of the following administrators:

- Vice Chancellor for Finance and Administration
- Associate Vice Chancellor for Facilities Operations and Construction Management
- District Director for Purchasing and Contract Administration

**Legal review and approval is required prior to signing. Special appraisal sharing requirements may apply.**

**18. FINANCIAL TRANSACTION AGREEMENTS.** All Agreements in support of treasury, investment or financing transactions, will be signed by the Chancellor or, in lieu of the Chancellor, may be signed by any one of the following administrators:

- Vice Chancellor for Finance and Administration
- Associate Vice Chancellor for Finance and Fiscal Affairs
- District Director for Purchasing and Contract Administration

**Legal review and approval is required prior to signing**

**19. CONTRACTS FOR SALE OF SURPLUS PROPERTY.** All Agreements for the sale of surplus personal or real property by the College District may be signed by any one of the following administrators:

- Vice Chancellor for Finance and Administration
- District Director for Purchasing and Contract Administration
- Assistant District Director for Purchasing and Contract Administration

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**20. NON-DISCLOSURE AGREEMENTS.** All confidentiality and non-disclosure agreements not appearing as a covenant in an agreement for another purpose specified in this procedure may be signed by any one of the following administrators:

- District Director for Purchasing and Contract Administration (signing authority limited to agreements incident to Vendor Transaction Agreements)
- Assistant Director for Purchasing and Contract Administration (signing authority limited to agreements incident to Vendor Transaction Agreements)
- Vice Chancellor with administrative and fiscal responsibility and oversight over the agreement
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college)
- College Vice President of College Services with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college)

#### **Legal review and approval is required prior to signing**

**21. HOTEL AND/OR CONFERENCE FACILITY AGREEMENTS.** All agreements with hotels, conference facilities or other counterparties involving College-District-sponsored events and requiring a guaranty of rooms to be purchased by others and/or minimum revenue to the counterparty are a special subset of vendor transaction agreements and may be signed by any one of the following administrators:

- District Director for Purchasing and Contract Administration
- Assistant Director for Purchasing and Contract Administration
- Vice Chancellor, Associate Vice Chancellor or Deputy to Chancellor with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to \$10,000 or less)
- College President with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college and \$10,000 or less)
- College Vice President of College Services with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college and \$10,000 or less)

#### **Legal review and approval is required prior to signing**

**22. LEGAL COUNSEL RETENTION AGREEMENTS.** Agreements retaining legal counsel shall be signed by the General Counsel or, in his absence, by the Chancellor.

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**23. EMPLOYMENT-RELATED AGREEMENTS.** Any agreements retaining persons as employees of the College District must be issued by the Department of Human Resources and Organizational Development and may be signed only by the Chancellor. All agreements relating to employment or separation from employment or benefit plans approved by the Board must be signed by the Associate Vice Chancellor for Human Resources and Organizational Development.

**24. OTHER COLLEGE- OR DEPARTMENT-SPECIFIC AGREEMENTS.** Any agreements affecting only a single college or District Department not otherwise addressed in this procedure may be signed by any one of the following administrators:

- College President or Vice-Chancellor with administrative and fiscal responsibility and oversight over the agreement (signing authority limited to respective college or department)

**Legal review and approval is required prior to signing.**

**25. ALL OTHER AGREEMENTS.** Any agreement not addressed in this Procedure must be signed by the Chancellor unless a written delegation of authority to sign is issued by the Chancellor, his designee, or the Board of Trustees.

**Legal review and approval is required prior to signing.**

### **APPLICABLE POLICIES, PROCEDURES, and DIRECTIVES:**

[B.5.4](#) (Policy) Contractual Authority

[C.1.5](#) (Policy) Purchasing and Acquisitions

[C.1.5.1](#) (Procedure) Purchasing Authority

[C.2.11](#) ([C.2.11.1](#)Policy) Legal Services

(Procedure) Review and Approval of Agreements

Chancellor's Directive [08-04](#) (hereby supplanted)

### **APPLICABLE STATE LAW:**

Tex. Educ. Code Chapter 130

Tex. Educ. Code Chapter 44