

SOUTH CAROLINA STATE UNIVERSITY

Policy Number: 2.1	
Policy Title: Contract Approval Policy (formerly known as the Authority to Sign Contracts Policy)	
Original Date: April 18, 2013	Revision Date: December 2, 2020
Responsible Office: Office of General Counsel	Administrative Division: Office of General Counsel

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

DEFINITION

As used herein, the term “contracts and agreements” shall be understood to mean all legally binding documents with outside (non-University) parties executed on behalf of or in the name of South Carolina State University or any of its colleges, schools, departments, or units, including but not limited to contracts, research agreements, employment agreements, purchase agreements, lease agreements, license agreements, rental agreements, gift agreements, memoranda of understanding, letters of agreement, grants, deeds, settlement agreements, and applications.

POLICY STATEMENT

1. Rescission of Previous Signatory Authority. All previous delegations or appointments of authority to sign contracts and agreements or to negotiate and accept contracts and agreements binding upon the University are rescinded, and all previous resolutions or motions delegating such authority are revoked.
2. Oral Contracts and Agreements. It is the express policy of the Board of Trustees that no oral contracts or agreements shall be binding on South Carolina State University.
3. State Law Requirement. Among other requirements, the law of South Carolina requires that any contract be governed by the laws of South Carolina and that there be no indemnification by the State to any third party.
4. Signatory Authority on University Documents.
 - A. Contracts and Agreements Equal to or Less Than \$250,000
 1. The President or his /her express designee for a particular matter of the University is delegated authority to sign contracts and agreements which are binding upon the University with a total value less than \$250,000. No contract or agreement shall become binding upon the University unless such contract or

agreement shall be in writing and shall have the signature of the President or his/her express designee affixed thereto.

2. Upon the President's approval, the Director of Procurement shall have the authority to sign official South Carolina State University purchase orders with total values less than \$250,000 provided such purchase orders comply with the provisions of the South Carolina Consolidated Procurement Code.
3. The General Counsel shall have the authority to sign documents related to administrative or judicial proceedings, or matters undertaken to protect the rights or assets of the South Carolina State University, excepting settlement agreements.
4. Reports shall be presented quarterly by resource persons to the respective Board of Trustees' Committee to inform the Committee of the various types of affiliation agreements the University's students are engaged in.

B. Contracts and Agreements Greater Than \$250,000

1. Contracts and agreements with a total value in excess of \$250,000 require the signature of the President and the Chairman of the Board upon approval of a majority of the Board of Trustees.
2. Grants and research agreements as listed above are excluded from this requirement. Therefore, grants and research agreements with a total value in excess of \$250,000 do NOT require approval from the Board of Trustees.
3. Contracts and agreements with a total value in excess of \$250,000 that require approval by other State agencies or authorities prior to moving forward shall first be submitted to the Board of Trustees' Finance Committee and then the full Board of Trustees for approval before submission to the respective, approving State authority. The approving State authority may include, but is not limited to, the South Carolina Legislature Joint Bond Review Committee, the Office of State Procurement, the State Office of State Engineer, and the State Fiscal Accountability Authority.
5. Athletics Department Administrators/Head Coaches. In addition to the President's signature, all employment agreements for athletics department administrators/head coaches in excess of one year shall require the approval of a majority of the entire Board of Trustees.
6. Contract Review. Except as provided otherwise in this policy, no element of the institution is authorized to prepare contracts and agreements and offer the same for acceptance by outside (non-University) parties without prior review of such contracts and agreements by the Office of the General Counsel.
7. Contract Repository. In accordance with the University's Records Retention Schedule, the Office of the General Counsel shall maintain a file containing original contracts and agreements or duplicate originals as the case may be to which the University is a party. The Chairman of the Board of Trustees and the General Counsel shall have the authority and duty to review and evaluate all aspects and implications of University contracting, reporting to and advising the President and the Board of Trustees thereon.

For all contracts and agreements, Departments should contact the Office of General Counsel to begin the routing process.

APPROVAL

<i>Rodney C. Jenkins, SCSU Board Chair</i>	12/4/2020
_____ President or Chairperson of the Board of Trustees	_____ Date
Rodney C. Jenkins, SCSU Board Chair	
_____ Print Name	