



OLD DOMINION UNIVERSITY

University Policy

Policy #1500

DELEGATION OF AUTHORITY FOR CONTRACT APPROVAL

Responsible Oversight Executive: University Counsel

Date of Current Revision or Creation: October 2, 2009

A. PURPOSE

To outline the delegation of authority in regards to contracts and leases as granted to the President by the Board of Visitors.

B. AUTHORITY

[Virginia Code Section 23-9.2:3, as amended](#), grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Virginia Code § 23-49.11 et seq., as amended](#)

[Bylaws of the Old Dominion University Board of Visitors, Article VI, §6.01 \(c\) \(7\)](#)

[Board of Visitors Policy 1240 – Resolution Concerning Employment](#)

C. DEFINITIONS

Affiliation Agreements are Memoranda of Understanding, agreements, or contracts that provide an affiliation for purposes of providing students or faculty with access to necessary training, research, other educational institutions or other access to fulfill the educational purpose of the University.

Blanket and Term Contracts are contracts between the University and vendors to obtain a specified pricing system for a specified period of time. These contracts promote the availability of commonly used goods or services at stable prices for the stated period of time. No money is due under these contracts until the product is ordered.

Certificate of Confidentiality is a certification that is executed in human subject research to protect the subject's identity.

Cooperative Research and Development Agreement (CRADA) is an agreement between one or more Federal agencies and/or technical activities and the University. Under a CRADA, the Federal agency and/or technical activities shall provide personnel, services, facilities, equipment, or other resources with or without reimbursement (but not funds to the University). CRADAs are

instruments that may be used in all aspects of a product and/or system life cycle when research, development, test and evaluation activities occur. The University parties shall provide funds, personnel, services, facilities, equipment, or other resources toward the conduct of specified research and development efforts that are consistent with the mission of the federal agency. The CRADA partners shall share in the intellectual property developed under the effort. The terms of the CRADA may not conform to a procurement contract or cooperative agreement as those terms are used in Sections 6303-6305 of 31 U.S.C. (reference (i)). Two types of CRADAs are Technical Assistance CRADA and Military-Use CRADA.

Facilities and Administration Cost Agreement is an agreement where the University enters into an agreement to have the University's costs reimbursed and the University agrees to verification of costs by the Federal government.

Formal Contracts are all other contracts where the University contracts with another for goods and services other than employment contracts, whereby all terms and conditions are expressly stated.

Lease is a document for the rental of real estate, office or classroom space, or other space or property whereby the University obtains quiet enjoyment of the space or property.

Memoranda of Understanding are agreements that generally do not contain monetary consideration but contain mutual promises as consideration.

Proposal Transmittal Agreement is an agreement between the University and the Old Dominion University Research Foundation (ODURF) where the University agrees the information is correct and that it will warrant that the grant will be completed in return for ODURF's management of the grant.

Purchase Orders are documents that reflect the purchase by the University of goods or services that most commonly occur (but not exclusively) through use of the electronic purchasing system maintained by the Commonwealth of Virginia (eVA).

Revenue Contracts/Agreements include any contract for goods or services, any sponsorship agreements or any agreement that generates revenue to the University.

Sponsored Program Proposals, Grants and Agreements occur when the University applies for grants through proposals, is awarded the grant, and while managed by the Old Dominion University Research Foundation the grant requires the University to submit the proposal and sign all necessary agreements and assignments.

D. SCOPE

This policy applies to all employees and student organizations that enter into agreements, Memoranda of Understanding, purchase orders, or contracts on behalf of the University. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University.

E. POLICY STATEMENT

1. The President may delegate the authority of the powers entrusted to the President by the Board of Visitors in Article VI, § 6.01 (c)(7). Further power delegated by the President may be further delegated by the individual to whom the power has been delegated unless the power to delegate is specifically limited by the President or other delegated individual.
2. The Provost and Vice President for Academic Affairs is delegated the following powers to bind the University in academic matters, including but not limited to:
 - a. Affiliation Agreements and Memoranda of Understanding that do not require the expenditure of University funds.
 - b. Faculty contracts.
 - c. Playbill advertising associated with theater productions not to exceed the upper limit established in the Schedule of Tuition, Fees and Charges.
 - d. Continuing education courses, seminars and workshops for employees under the supervision of the Provost and Vice President for Academic Affairs.
 - e. The Provost and Vice President for Academic Affairs may delegate these powers, in writing, but shall remain accountable for the judicious exercise of the powers.
3. The Vice President for Administration and Finance is delegated the following powers to bind the University in administrative and financial matters, including but not limited to:
 - a. One-time student events.
 - b. Continuing education courses, seminars, and workshops for employees under the supervision of the Vice President for Administration and Finance.
 - c. Leases for five years or less.
 - d. All agreements that involve a discount in tuition.
 - e. Acquisition of goods, services, architecture and engineering services, construction contracts, contract modification, and change orders including but not limited to the following contract types and forms:
 - i. Formal contracts
 - ii. Blanket and Term contracts
 - iii. Purchase orders
 - iv. Revenue contracts
 - v. Memoranda of Understanding
 - f. The Vice President for Administration and Finance may delegate these powers, in writing, but shall remain accountable for the judicious exercise of the powers.
4. The Vice President for Research is delegated the following powers to bind the University in research matters, including but not limited to:
 - a. Memoranda of Understanding that do not require the expenditure of University funds.
 - b. Contracts and agreements involving intellectual property.
 - c. Collaborative research agreements.
 - d. Certificates of confidentiality.
 - e. Cost-matching agreements.
 - f. Facilities and administration cost agreements.
 - g. Visiting scholar and volunteer agreements.

- h. Proposal transmittals.
 - i. Sponsored program proposals, grants and agreements.
 - j. Agreements and certifications related to regulatory compliance in research including but not limited to the following:
 - i. Agreements and certifications pertaining to animal care and use
 - ii. Agreements and certifications pertaining to biosafety
 - iii. Agreements and certifications pertaining to chemical hygiene
 - iv. Agreements and certifications pertaining to export control
 - v. Agreements and certifications pertaining to human subjects
 - vi. Agreements and certifications pertaining to radiation safety
 - vii. Agreements and certifications pertaining to recombinant DNA
 - viii. Agreements and certifications pertaining to research integrity.
 - k. The Vice President for Research may delegate these powers, in writing, but shall remain accountable for the judicious exercise of the powers.
5. The Athletic Director is delegated the following powers to bind the University in athletic matters, including but not limited to:
- a. Intercollegiate athletic competition
 - b. Special athletic events
 - c. Sponsorship in athletic tournaments, promotion of athletic events, and provision for community sports, none of which involve the expenditure of University funds.

F. PROCEDURES

1. No person should act to bind the University, unless that person has a written delegation of authority, other than those delegations enumerated in E(2), E(3), E(4) and E(5). A copy of all letters of delegation must be filed with the Office of University Counsel.
2. All individuals are encouraged to submit agreements for review to the Office of University Counsel. The following must be submitted to University Counsel:
 - a. Contracts, agreements or a Memorandum of Understanding with an annual cost to the University in excess of \$500,000.
 - b. Revenue contracts with anticipated annual revenue in excess of \$50,000.
 - c. All documents related to transactions involving real estate including but not limited to leases, easements, deeds, and other miscellaneous real estate transactions.
 - d. All other documents, agreements, contracts, and memoranda of understanding not included in Paragraphs E (2), (3), (4) or (5) above.

G. RESPONSIBLE OFFICER

President

H. RELATED INFORMATION

N/A

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

Responsible Officer Signature

Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks
Policy Review Committee (PRC),
Chair Signature

July 7, 2009
Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Patrick B. Kelly
Responsible Oversight Executive Signature

October 1, 2009
Date

Presidential Approval:

/s/ John R. Broderick
President

October 2, 2009
Date

Policy Revision Dates: December 1, 1988; October 2, 2009

Scheduled Review Date: October 2, 2014