



ADMINISTRATIVE POLICY STATEMENT

Policy Title: Contracting Authority

APS Number: 2005

APS Functional Area: **ADMINISTRATIVE/GENERAL**

Brief Description:	Sets forth the contracting authority of the University of Colorado and University requirements for the execution, approval, and monitoring of various types of contracts.
Effective:	July 1, 2009
Approved by:	Vice President and Chief Financial Officer
Responsible University Officer:	Vice President and Chief Financial Officer
Responsible Office:	Office of the University Controller
Policy Contact:	The appropriate campus Controller, who will consult with the University Controller as appropriate, will respond to questions and provide guidance regarding interpretation of this policy. The Chief Procurement Officer will provide guidance regarding expenditure contracts for goods and services. Any exceptions to this policy must be approved by the University Controller.
Supersedes:	See history.
Last Reviewed/Updated:	July 1, 2009
Applies to:	All campuses

Reason for Policy: Sets forth the contracting authority of the University of Colorado and University requirements for the execution, approval, and monitoring of various types of contracts.

I. INTRODUCTION

This Administrative Policy Statement sets forth the contracting authority of the University of Colorado. This policy statement applies whenever the university is party to a contract, and the provisions and routing described below apply to each individual type of contract. (Note that a contract may be referred to as an Agreement, Grant, Lease, or Memorandum of Understanding. Types of contracts include, but are not limited to: Affiliation, Barter/Trade, Combination [Multi-Purpose], Sponsored Project Agreement, and Sponsorship.)

The requirements herein must be followed by *employees* and *affiliate fiscal staff* and are applicable to all *university funds* and *university resources*, including those associated with recognized student organizations.

II. POLICY STATEMENT

For all university contracts, certain conditions and requirements apply. These are necessary to appropriately accomplish the contract's designated business purpose while mitigating associated risks to the university. They cover the following areas:

- Contract Authority, Delegation, and Limits
- Contract Execution and Monitoring

A. Contract Authority, Delegation, and Limits

An individual's authority to execute a contract on behalf of the university is only acquired through written delegation except that persons holding the positions described below have automatic delegation by virtue of their position. A person's authority to execute a contract on behalf of the university must be confirmed in advance. Delegation ultimately comes from the president, via regent law, and is restricted as follows:

The *President* has the authority to execute:

- Contracts involving non-real property over \$5,000,000.
- Contracts involving purchase/capital construction or lease of real property over \$5,000,000.
- Contracts involving universitywide affiliations or operational agreements.

The *Treasurer* has the authority to execute:

- Contracts involving financing arrangements of any type.
- Contracts related to the use of facilities – or revenues associated with facilities – financed with tax-exempt debt.
- Contracts where a third party is handling *university funds* as an agent of the university.
- Contracts involving foreign vendors where foreign currency may be involved.

The *Chancellor or Vice President*, as appropriate, has the authority to execute:

- Contracts involving purchase/capital construction or lease of real property up to and including \$5,000,000.

The *Chancellor* has the authority to execute/issue:

- Contracts involving campuswide affiliations or operational agreements.

The *Chief Procurement Officer* has the authority to execute:

- Contracts and purchase orders involving non-real property up to and including \$5,000,000.

All other delegation agreements must be made in writing. Delegation must occur before it is exercised and record retention practices must support the provision of written documentation regarding all delegations, except as described above for delegation by virtue of position held. A written delegation is required even for those persons with authority by virtue of position if the person wishes to have the authority to sub-delegate their contract signature authority.

All delegations of contract signature authority that were already in place as of the effective date of this APS and at the previous maximum of \$1,000,000, shall continue in effect and are automatically amended to include the higher dollar limits described above for contracts entered into after the effective date of this APS.

NOTE: The authority to sign contracts is not the same as the authority to select vendors through the University of Colorado Procurement Rules. That authority resides solely with the chief procurement officer.

B. Contract Execution and Monitoring

Contract form, content, and monitoring must comply with University of Colorado Fiscal Procedures.

The contract execution process must include business review to determine appropriateness. In addition, the following special reviews may be determined to be necessary (this is not an all-inclusive list):

- University Counsel
- University Treasurer
- University Controller
- University Tax Manager
- University Risk Management
- Procurement Service Center
- Sponsored Projects
- Privacy Officer

Each campus must have a method to identify the specific authority required for a given contract and to define the extent of delegation possible for each type of contract used by the university.

If the designated individual is not available to sign a contract for one campus, then the individual with the same authority at University of Colorado System may sign in their place.

III. PROCEDURES, FORMS, GUIDELINES, AND RESOURCES

A. Related Administrative Policy Statements (APS) and Other Policies

- [Article 3: Officers of the University and Administration of the Laws of the Regents](#)
- [Regent Policy 13.I: Contracting Authority and Regent Notification](#)
- [APS 3002 - Capital Construction Planning and Projects](#)
- [APS 2006 - Retention of University Records](#)
- [University of Colorado Procurement Rules](#)
- [University of Colorado Fiscal Procedures](#)

B. Resources

- Educational resources including guides, training notifications, and newsletters are announced and available on the [Office of University Controller \(OUC\)](#) and [Procurement Service Center \(PSC\)](#) websites.

IV. DEFINITIONS

For purposes of this policy, italicized terms used in this APS are defined in the [APS Glossary of Terms](#).

V. HISTORY

- Adopted: October 7, 1986, Professional Services Contracts: Prior Approval.
- Revised: February 19, 2001, renamed Contracting Authority; February 1, 2008, renamed Delegation of Authority to Chancellors to Execute Certain Contracts; July 1, 2009, renamed Contracting Authority; September 1, 2012, Non-substantive edits and technical clarifications to ensure consistency with the April 2012 revisions to the APS Capital Construction Planning and Projects; updated references to State Fiscal Rules (now University Fiscal Procedures); and added “/capital construction” after “purchase” to clarify that the term purchase includes capital construction; August 20, 2019, Non-substantive edits made; September 10, 2020, updated references to new regent policy.
- Last Reviewed: July 1, 2009.