

SIGNATURE AND PROCESSING REQUIREMENTS FOR AGREEMENTS POLICY

Implementation Date: 01/12/2004

Definition

It is the policy on Cal State University San Marcos (University) to establish and enforce appropriate procedures to protect University assets.

The President has delegated to specific University administrators the authority to negotiate, finalize, execute, administer and retain original contracts, memorandums of understanding (MOU), and other agreements (hereinafter collectively referred to as "agreements").

A specific Signature and Processing Requirements Policy and Procedure has been established to ensure that only these authorized administrators are performing the activities identified above concerning University agreements and that they have sufficient information upon which to decide whether to negotiate, finalize, execute, administer and retain original agreements.

Failure to adhere to the Signature and Processing Requirements Policy and Procedure may result in the receipt of a written reprimand or other disciplinary action up to and including suspension, dismissal (hereinafter referred to as "disciplinary action").

Failure to adhere to the Signature and Processing Requirements Policy and Procedure may also result in personal liability for anyone who without authorization attempts to negotiate, finalize, execute, administer or retain an original agreement.

Authority

The President of California State University San Marcos, Executive Orders 842, 793, 775, 750, 669, 435.

Scope

This policy and related procedure applies to all members of the California State University San Marcos community.

Revision Dates

New

Roy McTarnaghan, Interim President

01/12/2004
Approval Date

SIGNATURE AND PROCESSING REQUIREMENTS FOR AGREEMENTS PROCEDURE

Implementation Date: 00/00/00

Signature Approval Procedures:

1. All agreements must be accompanied by the standard "Agreement Routing Information Sheet" which briefly describes the authorization, funding source and administration responsibility for the agreement (attached).
2. The standard "California State University San Marcos Signature Page Attachment" must be attached to the agreement and be completed in sequential order as numbers on the form prior to routing to the executing campus administrator (attached).
3. Administrators having signature authority as delegated by the campus President when executing an agreement on behalf of the university will review the "California State University San Marcos Signature Page Attachment" to ensure appropriate review has occurred prior to execution. The "California State University San Marcos Signature Page Attachment" must be complete prior to final approval and execution by one of the approved administrators who have been delegated authority by the campus President. **If the approval process is not followed as outlined in this procedure, the agreement will not be finalized or executed.**
4. Any Agreement submitted without complying with this procedure will be returned to the individual who submitted the agreement for execution and/or finalization with notification to the appropriate division administrator of the non-compliance.

Campus Administrators with Authority to Execute Agreements on behalf of the University:

The campus President has delegated the authority to the following campus administrators to negotiate, finalize, and execute agreements on behalf of the University:

Public Works Contracts

1. Chief Financial Officer and Vice President
Finance and Administrative Services
2. Associate Vice President, Finance and Business Services
3. Director, Procurement and Support Services - **Authority up to \$500,000**

SIGNATURE AND PROCESSING REQUIREMENTS FOR AGREEMENTS PROCEDURE

Implementation Date: 00/00/00

Authority for Real Property Leases

1. **Sole signature authority**
Chief Financial Officer and Vice President
Finance and Administrative Services

Capital Outlay Management Authority and Responsibility

1. Chief Financial Officer and Vice President
Finance and Administrative Services
2. Associate Vice President, Finance and Business Services
3. Director, Procurement and Support Services – **Authority up to \$500,000**

Service Agreements

1. Chief Financial Officer and Vice President
Finance and Administrative Services
2. Associate Vice President, Finance and Business Services
3. Director, Procurement and Support Services – **Authority up to \$500,000**

Personal Property and Services

1. Chief Financial Officer and Vice President
Finance and Administrative Services
2. Associate Vice President, Finance and Business Services
3. Director, Procurement and Support Services – **Authority up to \$500,000**

**CALIFORNIA STATE UNIVERSITY SAN MARCOS
AGREEMENTS SIGNATURE PAGE ATTACHMENT**

This form must be completed in the following order and attached to any agreement submitted for approval.

1. Project/Agreement Authorization

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Funding Source/Accounts: _____

2. Department/Division/Individual Responsible for Agreement Administration

Signature: _____

Date: _____

Printed Name: _____

Title: _____

3. Reviewed and Approved by Procurement and Support Services

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Original Document Retained by: _____

4. Reviewed and Approved as to Legal Form, or Not Applicable Because Standard
 Chancellor Approved Document Used

Signature: _____

Date: _____

Printed Name: _____

Title: _____

5. Administrator Agreement Execution

Signature: _____

Date: _____

Printed Name: _____

Title: _____

AGREEMENT ROUTING INFORMATION SHEET

To: _____ Date: _____

Department/Division Origination: _____

Contact Person: _____ Telephone: _____

Authorizing Acct Mgr: _____

Funding Source/Account: _____

Amount: _____

Procurement/Support Services Contact: _____ Telephone: _____

Type of Agreement: _____ Services _____ Personal Services _____ Products

_____ Real Property (_____ lease _____ purchase/sale)

_____ Conveyance of _____
(Real Property Interest)

_____ Other, description _____

Involved Parties: _____

Term: _____ Extensions? _____ Yes, type _____

_____ No

To be completed by Procurement Services

Chancellor Required/Approved Insurance Clause? _____ Yes _____ No

If no, explain insurance clause contained in agreement: _____

Indemnification Clause? _____ Yes _____ No, reason _____

Inadequate Funding Early Termination Clause? _____ Yes
_____ No, reason _____



MEMORANDUM

DATE: April 11, 2003

TO: Stephen G. Garcia
Chief Financial Officer and Vice President, Finance and Administrative Services

FROM: Holley H. Perez, University Legal Compliance Officer

SUBJECT: Signature and Processing Requirements for Agreements

The necessity for established policies and procedures to negotiate, finalize, execute, administer and retain original contracts, memorandums of understanding (MOU) and other agreements (collectively referred to as "agreements") as been discussed during FAS Council meetings. Problems specifically identified related to: (1) the negotiation and/or signature by University employees without appropriate authority; and, (2) requests for your signature on agreements without any information about the agreement or verification of Procurement and Support Services involvement. Both issues, if unresolved could result in unanticipated University liability for either unlawfully committing University resources or, for failing to comply with unintended or unnoticed terms and conditions of executed agreements.

The establishment of a policy and procedure requiring specific signatures and some description of the purpose, authorization, funding source and administration of agreements prior to execution would eliminate the potential for University liability created by these problems. The established policy would require the creation of the specific signature page containing signatures of appropriate administrators verifying authorization, review, administration and retention of the original agreement. The created signature page would be attached as the last page to all agreements. Administrators having signatory authority being asked to execute the document would review that signature page for the appropriate signatures prior to execution.

The policy would also require each agreement presented for signature to have an attached transmittal memorandum/sheet briefly describing the authorization, funding source and administration responsibility for the agreement. The President, you as Chief Financial Officer or any other administrator with signature authority can not be expected to sign agreements without having some specific information. Given the numerous University business transactions that occur, prior involvement with a specific program or agreement

conceptually does not translate into automatic recognition of any document presented for signature. A transmittal memorandum would provide that information.

A sample draft signature page and a transmittal memorandum/sheet are attached for your review. Both documents contain specific information and/or acknowledged accountability necessary for the agreement procurement process.

cc: Suzanne Green
Associate Vice President,
Finance and Business Services