

Office/Contact: Office of Finance and Budget

Source: SDBOR Policy 5.3; SDSU Office of General Counsel Standard Templates ([InsideState](#)); SDBOR Record Retention Manual

Link: <https://public.powerdms.com/SDRegents/documents/1722915>; <https://sdbor.edu/financial-reports/>

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Contract, Agreement, and Memorandum of Understanding Review and Approval

NUMBER: 5:1

1. Purpose

This policy and its procedures set forth the requirements for the execution, review, signatory authority, and payment tracking for all contracts, agreements, and memorandums of understanding (MOUs) (hereafter “Agreement”) by employees at the University, as required by and in conformity with SDBOR Policy 5.3 and other applicable policies.

2. Policy

- a. SDBOR Policy 5.3 delegates the University President exclusive authority to approve Agreements on behalf of the University unless otherwise specifically excepted or delegated. Contracts, agreements, and MOUs otherwise excepted or delegated are not within the scope of this policy.
- b. Agreements must be signed only by those who have been delegated authority to do so in writing by the University President. An Agreement signed by an individual without delegated authority is void and may subject the signatory to liability or remedial action. Agreements will include only terms and conditions that are consistent with all applicable law, policies, and procedures.
- c. Agreements must be processed using the SDBOR or University’s approved contract processing platforms.
- d. The Office of the Vice President for Finance & Budget, or successor unit, shall maintain and make available information concerning delegations of authority for Agreements. University employees will follow the procedures below to ensure that Agreements conform with all applicable laws, policies and procedures developed by the University, the SDBOR, or both, and ensure that such Agreements are signed by an authorized signatory.

3. Procedures

- a. University employees seeking an Agreement will initiate the Agreement under their unit’s delegated authority. Standard University templates approved by the SDBOR General Counsel or University Office of General Counsel are recommended to be used as

a base document to begin the process. The Office of General Counsel may, upon request, assist with Agreement drafting, revision, or negotiation.

- b. Once the document and its terms and conditions have been approved by the delegated authority, other required institutional or other approvals, and Office of General Counsel if requested, the initiating unit will obtain signatures from the contractor and all required departmental or unit signatures using the approved contract processing platforms. The document will then be submitted to the authorized signatory for final signature.
 - i. Agreements requiring the University President's signature will be forwarded by the responsible Vice President or University President's direct report to the University President for approval. Once executed by the University President, the Agreement will be recorded and retained in accordance with applicable procedures.
 - c. The University employee who initiated the process is responsible for obtaining fully executed documents and distributing copies to appropriate parties, as well as ensuring all applicable background reviews are completed.
 - d. A fully executed original document will be maintained in the department or college required to maintain the document pursuant to the SDBOR record retention manual. A copy, or if appropriate, the original document, must be provided to the Office of the Vice President for Finance & Budget, or successor unit, for retention pursuant to the SDBOR record retention manual. The Office of the Vice President for Finance & Budget will ensure copies are filed with SDBOR or state of South Dakota agencies as required by applicable governing provisions and law.
 - e. Activities contemplated by contracts, agreements, or MOUs may not begin until the background reviews and approvals are successfully completed and a fully executed Agreement is obtained.
 - f. University employees are encouraged to direct questions concerning terms and conditions and protocols, as appropriate, to the Office of the Vice President for Finance & Budget, the Provost & Vice President for Academic Affairs, University General Counsel, or SDBOR General Counsel when appropriate, or their designees or successors, before obtaining any signatures or agreeing to any terms and conditions.
4. Responsible Administrator

The Vice President for Finance & Budget, designee, or successor is responsible for bi-annual and ad hoc review of this policy and annual review of procedures and maintenance of documentation of delegations under this policy. The University President is responsible for delegations and final approval of modifications to this policy and its procedures.

SOURCE: Approved by President 05/14/2013. Revised; Approved by President on 10/25/2022. Revised 01/30/2024 (clerical).