



Ohio Administrative Code

Rule 3356-3-04 contract compliance/administration.

Effective: April 6, 2018

(A) Policy statement. Youngstown state university ("university") will adhere to all applicable federal and state laws and regulations when it engages with contractors, consultants, suppliers, vendors, and other entities.

(B) Purpose. This policy defines the general parameters through which a university contract is created, stipulates the necessary administrative review and monitoring processes, and designates who within the university is authorized to sign contracts on behalf of the university, its employees, or agents.

(C) Scope. This policy applies to all financial and nonfinancial university contracts.

Partnerships, centers, and related agreements relating to teaching/learning, research/scholarship, and community service goals are addressed pursuant to rule 3356-10-22 of the Administrative Code (see university policy 3356-10-22, "Partnerships, centers and related arrangements"). Grants, contracts, and cooperative agreements for sponsored programs are addressed in rule 3356-10-13 of the Administrative Code (see university policy 3356-10-13, "Research, grants, and sponsored programs").

(D) Definitions.

(1) "Contract." A legally binding and enforceable agreement between the university and one or more competent parties.

(2) "Contract compliance." The process of reviewing and overseeing contracts in accordance with requisite legal and policy requirements. Contract compliance is the responsibility of the office of finance and business operations.

(3) "Contract administration." The process used to ensure that the terms and conditions of contracts



are being implemented pursuant to the contract. The university sponsor of a contract is responsible for monitoring the ongoing progress of a contract and providing requisite information to procurement services. Procurement services is responsible for providing assistance for purchases and payments pursuant to a contract.

(4) "University sponsor." The university employee who is promoting the contract. Typically the university sponsor is a financial manager.

(E) Procedures. All contracts entered into, including original contracts, amendments, and extensions:

(1) Are only to be signed or executed by university staff with designated signature authority.

(2) Are subject to appropriate legal review. The general counsel's office is responsible for providing legal review of the terms and conditions for nonstandard contracts.

(3) Must be stored and retained in accordance with the university's document retention policies unless specifically excluded by this or another policy adopted by the board of trustees.

(4) Refer to the contract compliance and administration guide on the procurement services website for additional information regarding contracts.

(F) Signature authority for contracts.

(1) Generally, only the president and the vice president for finance and administration, or their designee, have the authority to sign a contract on behalf of the university.

(2) The provost has authority to sign and approve academic affiliation and articulation agreements that have no direct financial consequences to the university.

(3) No other individual has authority to enter into a contract for the purchase of goods or services or otherwise obligate Youngstown state university to pay any sum or money without one of the following:



- (a) A resolution of authorization from the board of trustees;
- (b) A written declaration of signature authority from the president or the vice president for finance and administration filed with the contract;
- (c) A purchase order issued by or under the direction of the director of procurement services.
- (G) Legal review. The following types of contracts are subject to legal review:
 - (1) All contracts for the acquisition of goods and services;
 - (2) Construction contracts, including repair or alteration of facilities, and for architectural and/or engineering services;
 - (3) Real estate transactions, including the sale, rental or lease of real property must comply with rule 3356-4-05 of the Administrative Code (see university policy 3356-4-05, "Acquisition of real estate");
 - (4) Contracts/agreements associated with the intellectual property of the university, including licensing agreements, patents, trademarks, and copyrights;
 - (5) Employment contracts, as necessary, per the chief human resources officer;
 - (6) Contracts intended for the president's signature or that affect the president or the office of the president;
 - (7) Contracts that can potentially expose the university to significant liability.
- (H) Document retention. Copies of all fully executed (signed by both parties) contracts must be submitted to procurement services to be recorded and monitored through a central database.
- (I) Personal liability. An individual who enters into a contract for the purchase of goods or services



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #288646

or otherwise obligates the university to pay any sum or money or resources without appropriate authority and/or review may be held personally liable for the terms of the contract.