

Texas A&M AgriLife Research Rules

25.07.99.A1 | Contract Administration

Revised: September 30, 2024

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RULE SUMMARY

The effective administration of contracts is an essential operational function of Texas A&M AgriLife Research (AgriLife Research). All contracts entered by AgriLife Research are subject to this rule, including all original contracts, amendments, alterations, modifications, corrections, changes, and extensions.

This rule is developed to comply with System Policy 25.07, *Contract Administration*. Section 1 of System Policy 25.07 requires each member to develop and implement a contract administration rule which must address the process for contract origination, recommendation, approval, execution, administration, contract close-out, and contract reporting requirements.

PROCEDURES AND RESPONSIBILITIES

1.0 GENERAL

- 1.1 This rule sets out the process for Texas A&M AgriLife Research (AgriLife) personnel to originate, recommend, approve, sign, execute, administer, close-out, and report written contracts. For purposes of this rule, "contract" includes an agreement regardless of whether funding is exchanged.
 - 1.1.1 Apart from an approved Service Center or routine lab tests performed in accordance with an approved rate sheet, a written contract must be executed for every sponsored project or testing protocol to be conducted using the resources of AgriLife, regardless of value.
 - 1.1.2 A written contract will be executed whenever AgriLife enters into a binding agreement with another party that: (a) involves a stated or implied consideration exceeding \$25,000, or (b) obligates AgriLife to maintain confidentiality of the other party's information or material(s) or (c) involves purchase by AgriLife of goods or services subject to Electronic and Information Resources (EIR) accessibility requirements, regardless of value. A purchase order issued by the department (if \$25,000 or less), or by AgriLife Purchasing (if greater than \$25,000), is sufficient to satisfy the written contract requirement set out herein.
 - 1.1.3 A written lease or license agreement must be executed whenever AgriLife allows a third party to use any real property owned by The Texas A&M University System (System). This includes the lease of System property to AgriLife employees.
 - 1.1.4 Regardless of dollar value, a written contract must be executed if there is more than minimal risk to AgriLife as part of a contemplated transaction or agreement with a third party.
- 1.2 All AgriLife contracts not processed by Texas A&M University Sponsored Research Services (SRS) shall be processed by Texas A&M AgriLife Administrative Services Contract Office (AgriLife Contracts).

- 1.3 Except as provided in Sections 3.2, 3.3, and 3.4, all written contracts, regardless of dollar value, to which AgriLife is a party must be prepared by or submitted to either SRS or AgriLife Contracts for review, negotiation, approval, and signature.
- 1.4 Delegations of authority referenced in this rule will be valid only if in writing
- 1.5 For contracts with foreign persons, entities, or groups, AgriLife Contracts and departments, respectively must ensure compliance with System Regulation *15.05.04, High Risk Global Engagements and High Risk International Collaborations*,

2.0 CONTRACT ORIGINATION

- 2.1 A contract or a request for a contract must originate from one of the following:
 - 2.1.1 A Principal Investigator (PI) or designee;
 - 2.1.2 A unit's Department Head, Center Director or Business Office or designee;
 - 2.1.3 The agency's Director or designee;
 - 2.1.4 The agency's Chief Financial Officer (CFO);
 - 2.1.5 The agency's Purchasing Department or;
 - 2.1.6 A third-party vendor/sponsor.
- 2.2 A contract originating from a third-party vendor/sponsor must be supported, approved or requested by one of the agency individuals identified in Section 2.1.

3.0 RECOMMENDATION

- 3.1 Except as provided in Sections 3.2, 3.3, and 3.4, AgriLife Contracts must prepare or review and recommend for approval all non-sponsored contracts, industry-sponsored contracts, and commodity-sponsored contracts/grant agreements to which AgriLife is a party. Certain sponsored agreements being negotiated by SRS will be reviewed by AgriLife Contracts and/or the Director's office in accordance with the SRS Delegation of Authority.
- 3.2 For purposes of this rule, contracts made by AgriLife departments for use of hotel or facility rooms and/or space with stated or implied consideration of less than \$50,000 should not be routed through AgriLife Contracts nor be reviewed by the Office of General Counsel so long as the AgriLife department/unit head and the facility sign the standard Hotel Contract Addendum (Form AG-126H) or Facility Use Agreement Addendum (Form AG-126F) as applicable (each an "Addendum"), in conjunction with the facility's standard contract. In the event the facility objects to the use of AgriLife's Addendum or revises the same, the facility's contract should then be sent to AgriLife Contracts for review. The AgriLife Addendum is intended to assist departments in exercising care when a hotel or facility's contract contains clauses that constitute a commitment by AgriLife, which could lead to monetary or legal liabilities. Such clauses generally mention liability on the part of the department/agency for damages or require a guarantee of payment for unoccupied rooms or facilities. While the standard Addendum attempts to mitigate these risks, departments should determine the availability of a funding source should circumstances dictate cancellations resulting in a penalty. Department heads may wish to establish specific departmental guidelines to avoid needless penalty payments. This rule authorizes the respective department/unit head's authority to execute such contracts so long as the stated or implied consideration does not exceed \$50,000 and the contract is not being paid with federal funds. All applicable purchasing rules and procedures (e.g., submission of requisition) will be followed by the department when contracting directly with a hotel/facility.
- 3.3 For purposes of this rule, contracts to which AgriLife is a party for catering/food and beverage services with stated or implied consideration of \$25,000 or less should not be routed through AgriLife Contracts for

review/approval. Such contracts may be approved and signed by the respective AgriLife department/unit head.

3.4 For the purposes of this rule, contracts to which AgriLife is a party for the rental of storage units utilizing storage unit leases without an AgriLife addendum may be approved and signed by the respective Principal Investigator if the following three (3) requirements are met:

3.4.1 Rental term is month to month, or for a set term not to exceed one (1) year;

3.4.2 The unit rent does not exceed three hundred (\$300.00) U.S. dollars per month per unit; and

3.4.3 No more than five (5) units are rented at any one time by an individual Principal Investigator (i.e., up to \$1,500.00/month).

3.5 All contracts must be signed by an authorized representative of AgriLife Research provided in the agency's Delegation of Authority.

4.0 APPROVAL

4.1 Approval of contracts will be obtained as outlined in the *AgriLife Research Delegation of Authority for Contract Administration*. Only a person with delegated authority may sign a contract on behalf of the agency.

4.2 Contracts requiring Board of Regents approval per System Policy 25.07 will be presented to the agency's Director for review, approval, and submission to the System.

5.0 EXECUTION

5.1 Once the contract has been reviewed, fully negotiated, and recommended for approval by AgriLife Contracts, the contract will be submitted for signature.

5.2 Contract execution shall occur upon obtaining all required approvals as stated in the *AgriLife Research Delegation of Authority for Contract Administration*. Department/Unit Heads, Pls, and Business Coordinators do not have authority to sign, and shall not execute a contract on behalf of the agency, except as may be provided in the *AgriLife Research Delegation of Authority for Contract Administration* (i.e., hotel/catering agreements, storage units).

5.3 If a contract originated from a third-party vendor/sponsor and AgriLife Contracts made revisions or changes to the contract (including addendums), the changes must be submitted to the vendor/sponsor for approval and acceptance.

5.3.1 Any revisions made by AgriLife Contracts to a contract originating from a third-party vendor/sponsor will be initialed by the vendor's authorized representative.

5.3.2 Any addendum prepared by AgriLife Contracts to supplement a contract originating from a third-party vendor/sponsor will be signed by the vendor's authorized representative.

6.0 ADMINISTRATION

6.1 Once fully executed, the contract will be filed by AgriLife Contracts or other appropriate System or agency offices in the appropriate document management system and retained in accordance with the agency's records retention policy. Responsibility and management of the performance of the contract rests with the applicable administering office, with such management to be conducted in accordance with the System Contract Management Handbook.

6.1.1 For non-sponsored contracts processed by AgriLife Contracts, the applicable administering office is the respective agency department that requested or supported approval of the contract.

- 6.1.2 For sponsored research agreements processed by AgriLife Contracts and released to SRS for administration, the applicable administering office is SRS.
- 6.1.3 For sponsored research agreements processed by AgriLife Contracts and not released to SRS for administration, the applicable administering office is either AgriLife Administrative Services or the agency's department overseeing the project.

7.0 CLOSE-OUT

Contract close-out responsibility will rest with the applicable administering office.

8.0 REPORTING

Contract reporting shall be in accordance with and as required by applicable System policies and regulations, agency rules and procedures, Texas state law, federal law, and the terms of the agreement, if any.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[System Regulation 15.05.04, High Risk Global Engagements and High Risk International Collaborations](#)

[System Policy 25.07, Contract Administration](#)

[System Regulation 25.07.01, Contract Administration, Delegations, and Reporting](#)

[System Regulation 25.07.03, Acquisition of Goods and/or Services](#)

[AgriLife Research Procedure 25.07.01.A1.01, Delegation of Authority and Contract Administration](#)

[AgriLife Research Delegation of Authority for Contract Administration](#)

[System Contract Management Handbook](#)

CONTACT OFFICE

Questions regarding this rule should be referred to AgriLife Contracts at contracts@ag.tamu.edu or 979.845.7879.

REVISION HISTORY

Approved: November 2, 2016
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