

Delegation of Colorado State University-Pueblo Controller

Contract Signature and Legal Review Authority

Section I – Authority

On June 9, 2010, SB10-003 was signed into law which allowed, among other things, institutions of higher education to opt out of the State fiscal rules and operate under institutional rules and procedures.

The Board of Governors of the Colorado State University System (System) by resolution of August 11, 2010 elected to exempt the System and its respective institutions from the State fiscal rules and further adopted the State of Colorado Fiscal Rules as their own to be modified and changed to conform to the respective institutions' needs.

The resolution further authorized the Chancellor and Presidents to delegate the powers granted in the resolution to others within their respective organizations deemed to have appropriate and adequate training and experience in fiscal rules and procedures.

The System has promulgated and approved a set of System Fiscal Rules and this Delegation is made in conformance with the System Fiscal Rules and the above referenced resolution.

Section II -Scope of Delegation

- A. This delegation is personal to the Controller or other delegates named herein.
- B. A sub-delegate may not further sub-delegate the contract approval authority granted herein.
- C. All delegations herein are for Controller signature authority only. No authority to bind the Board of Governors or the institution to a contract is granted or implied. All contracts require BOTH an authorized signature by or on behalf of the Board pursuant to the CSU-Pueblo Delegation of Signature Authority , AND Controller signature pursuant to this delegation.
- D. The delegation is subject to any exceptions or limitations set forth below.
 - 1. Delegation of signature authority for fiscal rule review for institution contracts:
 - A. Juantia Pena University Controller, is the primary delegate for fiscal rule review and approval for all types of contracts, with authority to approve, modify, and revoke all further sub-delegations.
 - i. As Primary delegate, Juantia Pena may authorize an advance payment of any amount on a University contract if it is considered to be in the best interests of the University.
 - B. Chris Fendrich and Craig Cason are authorized to sign as a secondary delegate for contracts that are determined to be low risk for all types of contracts or for all types of contracts if Juantia Pena is not available.
 - 2. Exceptions and limitations
 - A. All expenditures contracts must be submitted to the University Controller's office for review and approval:
 - B. System Fiscal Rule Waivers
 - i. The Chancellor with the concurrence of the Chief Financial Officer and an authorized delegate from the Office of the General Counsel may waive a System Fiscal Rule, if it is in the best interests of the institution and the State.

C. Other required signatures and approvals

i. Delegates are reminded that some state statutes require approvals by other state agencies for certain types of contracts. Having Controller delegation to sign these contracts does not affect the requirement to obtain these specific approvals. (For example, all construction contracts, regardless of amount, require the approval of the State Buildings Program delegate for CSU-Pueblo).

D. Period of delegation

i. This delegation is valid for three years from the effective date of this delegation. Any change in position shall terminate the delegation. Delegations are not transferrable.

E. Contract Legal Review

i. All contracts shall have legal review except Standard Form contracts that have been previously approved by the Office of the General Counsel. If any changes are made to the Standard Form Contract, then such changes will need legal review. The attorneys delegated to perform the required legal review for the institution of higher education, prior to signature and approval of state contract fiscal review, are: Johnna Doyle, Brian Anderson and Grant Calhoun.

Section III – Delegated Review Responsibility

The University Controller is responsible for ensuring compliance with all applicable statutes, rules, policies and procedures. Sub-delegates assume these responsibilities and shall contact the University Controller whenever a question or concern arises as to the propriety of any expenditure or contract and as to all unauthorized expenditures that have occurred.

These statutes, rules and policies require that prior to executing the contract the Controller and/or the designated sub-delegate shall ensure that:

- **Expenditure**
 - Is reasonable and necessary;
 - Is authorized by the appropriation to which it will be charged;
 - Does not exceed the unencumbered balance of the appropriation;
 - Complies with all constitutional, statutes, System Fiscal Rules and CSU-Pueblo policies;
 - Is encumbered, unless an encumbrance waiver has been granted; and
- **Prices or rates** are fair and reasonable as evidenced by either an established catalog price, a vendor quote or bid that has been approved by a CSU-Pueblo Purchasing Agent, or by the knowledge and experience of the ordering department for items within its designated small-dollar purchase limitation. Any question or concern about pricing shall be referred to the CSU-Pueblo Purchasing Department for review and approval.
- **Form and Content** of the contract are sufficient and appropriate for the parties and subject matter under applicable state and federal laws, CSUS Fiscal Rules, and CSU-Pueblo Fiscal Policies and Procedures. All contracts shall be approved in advance by the OGC office at CSU-Pueblo unless the contract is made using a pre-approved CSU-Pueblo standard contract form (without modification).

Interagency Agreements

An "Interagency Agreement" may only be signed by a delegate at the state agency or institution which is disbursing the funds, therefore this delegation only addresses interagency agreements in which Colorado State University-Pueblo is disbursing funds. The appropriate delegate listed above has the authority to sign for the University Controller when using a pre-approved CSU-Pueblo standard interagency agreement form. All other interagency agreements shall be referred to CSU-Pueblo OGC office for review and approval.

Approval and Signature

After review, the expenditure contract shall be approved or disapproved. If approved, the delegate shall evidence such approval by signing the contract.

Other Requirements

The delegates agree to the following items:

Contract Routing Forms- the responsible delegate shall use and complete their portion of the contract routing form that is to be accompanied with all contracts. .

Contracts Database- the responsible delegate shall insure that the fully executed contract is returned to the OGC office for storing of the contract on the OGC worldox filing system.

System Fiscal Rules and Policies - the institution shall abide by the CSU System Fiscal Rules and University Financial Policies and Procedures.


No Dual Signature –The delegation does not allow the primary delegate or any sub-delegate, to sign a contract for both the University (as a sub-delegate of the President, on behalf of the Board), and for the Controller.

Training- all delegates agree to attend training on contract delegation as scheduled by the Controller.

Section IV – Signatures

This delegation is hereby done and made effective by:

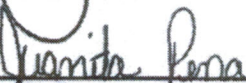
President:



Dr. Timothy Mottet,

4-19-19
Date


Primary delegate:



Juanita Pena

4/22/19
Date

Sub-Delegates:



Chris Fendrich

4/19/19
Date



Craig Cason

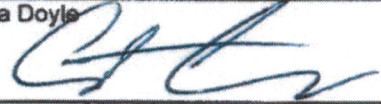
4/19/19
Date

Legal Review:




Johnna Doyle

4/22/19
Date



Grant Calhoun

4/22/19
Date



Brian Anderson

4-22-19
Date

On the indicated date, the following agree to all terms of this agreement:

4/22/19
Date