



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	Signature Authority
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<i>Sponsoring Unit/Department:</i>	Chancellor
<i>Policy Title(s) & No(s).:</i>	Delegation of Authority to the Chancellor, BP 1.05
<i>Legal Reference:</i>	A.R.S. §§ 11-952; 15-1444; 15-1445
<i>Cross Reference:</i>	Hiring and Assignment of Personnel, BP 2.02; Financial Controls and Institutional Budget, BP 4.01; Contracts, AP 4.01.03

PURPOSE

The purpose of this Administrative Procedure (“AP”) is to implement the Board Policy authorizing the Chancellor to sign agreements on behalf of the College.

SECTION 1: Scope

This AP applies to all College written agreements, regardless of the subject matter or the amount and source of funds or property involved.

All delegations of signature authority made prior to the effective date of this AP must be updated to conform to the requirements of this AP to remain effective.

SECTION 2: Definitions

“Amendment” - means a document changing (adding to, deleting to, altering) the terms (scope, amount, duration, etc.) of an executed Contract. An Amendment is an agreement and is subject to the signature requirements of this AP.

“Authorized Signatory” - means a College employee authorized to sign specific categories of Contracts on behalf of the College by virtue of holding a certain position or duties, as identified in this AP.

“Conflict of Interest” - means a situation in which a reasonable person would conclude that a College employee authorized to sign a Contract cannot make or cannot appear to make a decision concerning that Contract solely in the best interests of the College, free from considerations of non-work related interests related to the Contract.

“Contract” (also “Agreement”) - means any document memorializing the agreed-upon transaction or arrangement between the College and any other person or entity, which, once signed by both sides, binds the College to an obligation or promise. In this AP, Contract and Agreement carry the same meaning and are used interchangeably.

“Contract Amount” - means the sum of all monies payable or the total value (actual or market) of the contract over the entire contract term. Contract Amount includes amounts of the underlying agreement together with any subsequent Amendments.

“Delegation” - means an Authorized Signatory granting the same or lesser signature authority to another College employee. Delegation may be temporary or conditional.

“Signature Authority” - means the legal right to sign agreements on behalf of the College and to bind the College to an obligation or promise with another party.

“Signing” - means an act of affixing one’s signature (physical or electronic) on a paper or digital document.

“SAT Amount” (“Simplified Acquisition Threshold Amount”) - means the dollar amount determined and published in the Federal Acquisition Regulations (FAR).

SECTION 3: Signature Authority

- 3.1 The Chancellor's Delegation.** The Chancellor delegates authority granted by the Board to sign certain types of College agreements on behalf of the College to College employees holding positions identified in Table 1. Categories of agreements not covered in this AP are reserved to the Chancellor and to the Board in accordance with Board Policy.
- 3.2 Delegations.** Signature authority delegations shall be in writing, in the manner and on conditions identified in this AP and operational manual. Authorized Signatories remain ultimately responsible for accuracy and compliance with signature requirements. Authorized delegations shall be documented in the signature authority master list.
- 3.3 Conflict of Interest.** In the event of a Conflict of Interest, signature authority for the agreement shall revert to the immediately preceding authorized signatory.

SECTION 4: Implementation

- 4.1 Signature Authority Master List.** A master list with all College signature authority shall be maintained, updated annually and as needed, and published for College-wide reference. The Master List shall identify College employees, by name, holding authorized signature positions, the types of agreements and maximum contract amount authorized for each position, limitations, delegations, and pre-approvals required for the type and amount of the agreement.
- 4.2 Authority to Implement.** The Contract Services Department has been delegated authority and responsibility to:
- a. Develop manuals, forms, and supplemental guidelines as necessary to implement requirements of this AP;
 - b. Develop, publish, and maintain a signature authority master list of all College positions authorized to sign on behalf of College;
 - c. In consultation with the College General Counsel, interpret and apply this AP; and
 - d. Adopt and implement procedures for electronic signatures.

SECTION 5: General Requirements for College Signatures

- 5.1 Signing Agreements.** Each authorized signatory shall affix their own signature to an agreement required to be signed. Signing or affixing a name other than one's own is prohibited.
- 5.2 Signature Requirements.** All signatures shall be accompanied by the date, the signatory's legal name, and College title.
- 5.3 Electronic Signatures.** As much as practicable, all agreements shall be signed electronically, in accordance with applicable laws governing electronic signatures.

SECTION 6: Responsibilities of Authorized Signatories

- 6.1 Duty to Know One's Signature Authority.** Each authorized person is responsible for knowing and ensuring they have the appropriate signature authority to sign the Contract.
- 6.2 Exercising Signature Authority.** All persons exercising signature authority pursuant to this AP shall:
- a. Comply with all general signature requirements stated in Section 5 above;
 - b. Act with care and diligence when exercising authority, including undertaking appropriate investigation and inquiry as needed for each Contract;
 - c. Read and understand the Contract prior to signature.

TABLE 1 - AUTHORIZED COLLEGE SIGNATORIES

Authorized Signatory	Types and Limits of Signature Authority
<i>Chief Academic Officer</i>	<ul style="list-style-type: none"> ● Academic Agreements (other than Dual Enrollments) up to SAT Amount; ● Dual Enrollments with prior Board Approval; ● Chancellor-reserved Agreements, in the Chancellor's absence
<i>Chief Facilities Officer</i>	<ul style="list-style-type: none"> ● Facilities Agreements up to SAT Amount; ● Construction Change Orders, total not to exceed SAT Amount; ● Construction Change Orders over SAT Amount with prior Board Approval
<i>Chief Financial Officer</i>	<ul style="list-style-type: none"> ● Purchasing Agreements, except for legal services, over SAT Amount with prior Board approval; ● Chancellor-reserved Agreements, in the Chancellor's absence ● All other agreements, except Settlement and Gift and Donation Agreements, up to SAT Amount
<i>Chief Human Resources Officer</i>	<ul style="list-style-type: none"> ● Employment Agreements (For all Board-Approved Positions) ● Employment Separation Agreements up to SAT Amount
<i>Chief Procurement Officer</i>	<ul style="list-style-type: none"> ● Purchasing Agreements, except for legal services, up to SAT Amount
<i>Director of Grant Services Department</i>	<ul style="list-style-type: none"> ● Grant Applications and Grant Agreements up to SAT Amount ● Grant Agreements over SAT Amount and Grant Agreement that qualify as Intergovernmental Agreements with prior Board approval
<i>General Counsel</i>	<ul style="list-style-type: none"> ● Agreements for legal services up to SAT Amount ● Agreements for legal services over SAT Amount with prior Board approval

APPENDIX - TYPES OF AGREEMENTS

“Academic Agreements” - include academic partnerships, clinical and affiliation agreements, articulations, transfer, student exchange, study abroad agreements, faculty exchange and joint-faculty agreements, athletic and intercollegiate event agreements, dual enrollments, and similar agreements of academic nature. Academic Agreements also include revenue-generating educational services agreements.

“Construction Change Order” - means an Amendment to a validly executed construction agreement (see “Purchasing Agreement”) changing the scope and/or amount and completion date of College construction project.

“Employment Agreements” - mean agreements for hiring and setting forth the terms of employment for any Board approved position at the College.

“Facilities Agreements” - mean agreements for any form of use, license, access to, or lease of College-owned real property (land, buildings, etc.) by outside persons or organizations. Facilities Agreements do not include (a) agreements for purchase, sale, lease-purchase, and encumbrances (e.g., easements) on or of College property; and (b) agreements involving the use of non-College real property. See instead “Real Property Agreements” and “Purchasing Agreements,” respectively.

“Gift or Donation Agreement” - means an agreement pursuant to which the College receives an authorized gift or donation from an outside person or organization. Gifts and Donations do not include grants, scholarships, and financial aid payments. Gift and Donations made directly to the College Foundation are also excluded.

“Grant Agreements” (“Grant Application”) - means a document where the College, as a direct applicant and lead recipient or as a subrecipient of the grant funds, enters an agreement with the state, federal agency, or other funding sources. Grant agreements exclude subcontracts, made either by the College or to the College. Grant agreements do not include agreements involving expenditure of grant funds. See “Purchasing Agreements” instead.

“Intergovernmental Agreement” (“IGA”) - means an agreement between the College and another public or governmental entity as defined in and subject to requirements of Arizona statute, A.R.S. 11-952.

“Purchasing Agreement” - means any form of agreement (including regular purchase orders) for acquisition of goods, services, or construction for use in the College’s ongoing operations. A Regular Purchase Order, unlike an order issued against an existing properly executed agreement, is a binding College purchasing agreement subject to this AP.

“Real Property Agreement” - means an agreement for purchase, lease-purchase, sale, or permanent encumbrances (e.g., easements, right-of-ways) of real property (e.g., land, buildings).

“Settlement Agreement” - means an agreement negotiated by the College General Counsel on behalf of the College and approved by the Chancellor and/or the Board, in settlement of actual or threatened claim against the College.