

# Authority to Act - Statement

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## Policy statement

The Siena University Board of Trustees has authorized the President, Vice-President for Finance and Administration, to encumber University assets in the normal operation of the University and all University resources are to be utilized in an efficient, appropriate manner by authorized individuals.

All funds received by the University, regardless of their character or source, must be administered under the terms of the Authority to Act Statement, in conjunction with the University's Purchasing Policy and/or Travel and Entertainment Policy and, pursuant to applicable laws and regulations. The General Counsel, Assistant Vice President for Finance, Vice-President for Finance & Administration (VPFA), and President are the only individuals authorized to sign contracts on behalf of the University, regardless of the \$ amount.

Transacting for normal University operations includes varying degrees of complexity and financial parameters. Thus, the Authority to Act is delegated accordingly and financial/contractual commitments and related responsibilities are defined by various levels.

### I. General Procurement

#### **Level I Transactions: routine transactions < or = \$5,000.**

Level I transactions are for goods & services (exclusive of travel and entertainment) under \$5,000, that do not require a contract, and are the result of normal recurring business operations.

The budget administrator for the originating department, in conjunction with the Director of Auxiliary Services & Procurement has the authority to act without consultation and/or Vice-President Approval.

Purchases must be made in accordance with the University's Purchasing Policy, with the Director of Auxiliary Services & Procurement being authorized as the decision maker with regard to vendor selection.

#### **Level II Transactions: transactions < or = \$5,000 and requiring a contract**

Level II transactions are for goods & services (exclusive of travel and entertainment) under \$5,000 that require a contract, and may or may not be the result of normal recurring business operations.

The department head will work with the Director of Auxiliary Services & Procurement to select an appropriate vendor(s). Following the demonstration of due diligence regarding selection of the vendor, the department head and the appropriate Vice-President will conceptually approve a contract in writing, and select a contract administrator, before advancing the contract to General Counsel or the Contracts Administrator for legal review. Once approved by General Counsel or the Contracts Administrator the contract can then be signed. Only the President, VPFA, Assistant Vice President for Finance, or General Counsel can sign contracts on behalf of the University. Contracts of this dollar amount will generally be signed by the General Counsel, Assistant Vice President for Finance, or VPFA.

#### **Level III Transactions: transactions between \$5,000 & \$99,999**

These purchases are required to go through a competitive bid process as coordinated by the Director of Auxiliary Services and Procurement.

If an allocation has been approved as part of the Capital Budget, transacting approval is required of the Director of Auxiliary Service and Procurement and the originating department head.

Bids between \$49,999 & \$99,999 will also require review of the VPFA.

If an allocation has not been approved as part of the Capital Budget process, approval of the appropriate Vice-President and the Vice-President for Finance & Administration is required prior to the undertaking of the bid process.

In cases where a contract is required, following the demonstration of due diligence regarding selection of the vendor, the department head and the appropriate Vice-President will conceptually approve a contract in writing, and select a contract administrator, before advancing the contract to General Counsel or the Contract Administrator for legal review. Once approved by General Counsel or Contract Administrator the contract can then be signed. Only the President, VPFA, Assistant Vice President for Finance, or General Counsel, can sign contracts on behalf of the University. Contracts of this dollar amount will generally be signed by the General Counsel, Assistant Vice President for Finance, or VPFA.

The University recognizes that certain purchases/contracts are so specialized that it is more prudent to delegate the purchasing and/or contract negotiations to the department with the expertise. For those departments, (typically including Facilities Management, Information & Technology Systems and Athletics) a portion of the pre-contract/purchase due diligence is delegated to that department, under the coordination of the Director of Auxiliary Services & Procurement. See attached Facilities Purchase Procedures for reference.

#### **Level IV Transactions: transactions for \$100,000 or more**

These purchases are required to go through a competitive bid process as coordinated by the Director of Auxiliary Services and Procurement.

Appropriate approvals as outlined under "Contracts" must be obtained, in writing, before obtaining bids.

The "winning bid" must also be approved, in writing, by the authorized individuals prior to advancing the contract to General Counsel for legal review.

Generally it is expected that the solicitation of goods and services at this dollar level will be undertaken via a formal "request for proposal" (RFP).

The vendors included in the RFP must be approved by the VPFA and if applicable reviewed by General Counsel or Contract Administrator.

If the purchase is part of a larger contract that has already been approved and appropriately bid, the Director of Auxiliary Services and Procurement has the authority to act without additional approvals.

## **II. Contracts**

### **Signatories & Review Process**

The President, Vice-President for Finance & Administration (VPFA), Assistant Vice President for Finance, and General Counsel are the only individuals authorized to sign contracts, regardless of the dollar amount.

Contracts of \$100,000 or more require VPFA and President pre-approval.

Contracts of \$500,000 or more require VPFA and President pre-approval and review with members of the Strategic Finance Committee of the Board of Trustees (BOT).

Contracts of \$1,000,000 or more must be reviewed by the Strategic Finance Committee and advanced to the full BOT for approval. In the case of construction or financing projects that have been pre-approved

via BOT resolution that sets financial and other expectations, final contract approval can be limited to the Chair of the Strategic Finance Committee.

### **Pre-approval protocols**

All contractual purchases must also be in accordance with the University's Purchasing Policy (see attached) including adherence to the established bid process.

The department head and the appropriate Vice-President may conceptually approve a contract in writing before advancing the contract to General Counsel or Contract Administrator for legal review. Once approved by General Counsel the contract can then be presented to the appropriate individuals for final approval and signature.

A contract administrator must be designated prior to the legal review.

The University recognizes that certain purchases/contracts are so specialized that it is more prudent to delegate the purchasing and/or contract negotiations to the department with the expertise. For those departments, (typically including Facilities Management, Information & Technology Systems and Athletics) a portion of the pre-contract/purchase due diligence is delegated to that department, under the coordination of the Director of Auxiliary Services & Procurement. See attached Facilities Capital Purchases procedures for reference.

### **Administrative Procedures**

The Auxiliary Services & Procurement office will be responsible for coordinating the bid processes and maintaining all appropriate documentation.

The appropriate department head and VP will be responsible for contract compliance and the Office of Finance & Administration will monitor compliance.

Approved: February 7, 2025