Chapter 15

Contracts

15.0 Contracts

15.0.1 Delegated Authority to Sign Contracts: The Director of Procurement and Contracts delegated to specific individuals/positions at the University the authority to sign contracts and to make financial commitments or to agree to certain terms and conditions for the University (Appendix I – Memorandum for the Record – Authority to Contract for Radford University). No other employee is authorized to commit the University.

Those individuals with the delegated authority to sign contracts or procure goods and services received written guidelines with specific requirements and expectations for following a protocol to control the risk involved. Individuals or departments with delegated authority are required to maintain all documentation for a minimum of five years after the expiration or termination of the contract.

15.0.2 Contract Review: Departments do not have the authority to sign contracts. Even under departmental delegated purchasing authority, any agreement submitted in response to a request for quotation or other means must be forwarded to and reviewed by the Director of Procurement and Contracts and must include the eVA PR number on the agreement (even if the purchase is within the departmental delegated purchase authority). Do not give the purchase order number to the vendor until the contract has been signed by the authorized individual at the University. The Director of Procurement and Contracts will make any amendments to the terms as required by State law or policy and secure the appropriate signatures in compliance with university procedures. After the appropriate signatures are obtained, the vendor agreement will be returned to the requesting department for processing, if the order is within the departmental delegation. Only then may the department submit a purchase order to the vendor.

15.1 Compliance

It is important to maintain departmental files in an appropriate and accessible manner as they are subject to review at any time when requested by the Office of Audit and Advisory Services, Auditor of Public Accounts, Division of Purchases and Supply, Virginia Information Technologies Agency (VITA), Division of Engineering and Buildings, and the University’s Department of Procurement and Contracts.

A procurement review conducted by the Department of Procurement and Contracts of department records found to be insufficient or not in compliance with established procedures may result in a warning to the department or in a full suspension of delegated authority.

If a vendor requests that the University agree to the vendor's contract terms and conditions
other than those specified on the purchase order, then that contract needs to be submitted to
the Director of Procurement and Contracts (Campus Box 6885) for review and approval.
Departments are required to review contract terms before submitting them to the
Department of Procurement and Contracts to ensure any changes required for business
needs have been noted on the contract. This includes service contracts, lodging
agreements, software agreements, and license agreements.

Agreements may also be scanned and sent to email at purchase@radford.edu.

15.2 Unauthorized Contract Clauses/Provisions

Contracting personnel should never agree to any term which is not understood, or which
exposes the University to substantial and indeterminate monetary risk. The procurement
interest in quickly obtaining goods/services may be very shortsighted. If the University is
unable to eliminate objectionable provisions in negotiation, then the agreement will be
sent to the Office of the Attorney General for assistance.

Specifically, the University cannot agree to any indemnification clause or agreements
incorporating laws of another state. Such provisions are not only inadvisable from a
business perspective, but they also are legally problematic. Individuals who sign
agreements containing terms or conditions contrary to the laws of the Commonwealth
expose the University and themselves to liability risk on a theory of breach of implied
warranty of authority to undertake the contract. Contracting officers must be careful to
ensure that agreements present only reasonable business risks, and that the risk is also
within their authority to accept on behalf of the University.

**See section 14.3 for list of forbidden contract provisions.**

If you have a question dealing with a vendor’s contract terms, contact the Director of
Procurement and Contract at 831-6118.

Reference:

Appendix I: Memorandum For The Record: Authority to Contract for Radford University,
dated June 22, 2012, supercedes Memorandum dated May 5, 2010
[http://www.radford.edu/content/dam/departments/administrative/purchasing/Authority_to_Contract_for_RU.pdf](http://www.radford.edu/content/dam/departments/administrative/purchasing/Authority_to_Contract_for_RU.pdf)

Appendix R: Radford University Contractor Non-Compliance Form (Form R4)
[http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf](http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf)

Appendix R: Radford University Addendum To Contractors Form (Form R5)
[http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-addendum-to-contractors-form.pdf](http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-addendum-to-contractors-form.pdf)