

Exemptions to the Review Requirements of Contract Compliance:
(Effective October 20, 2020)

A contract is any legally enforceable agreement whether or not it is titled “contract.” Contracts include but are not limited to: terms and conditions related to a transaction, letters of agreement, lecture or performance agreements, licenses, and memoranda of understanding.

Contracts covered by the exemptions outlined below may still require approvals or prerequisites as needed (for example: UITS approval, compliance with Procurement and/or P-card policies, etc.) before they are executed. After these contracts are signed by both parties, the fully executed contracts must be uploaded to Contract Compliance for the issuance of a contract number and addition to the university’s Contract Management System.

The following contracts may be executed without obtaining approval from Contract Compliance.

1. Contracts with external entities:

1.1 Purchases from statewide contracts, existing University and Board of Regents contracts.

1.2 Pre-approved and unmodified standard university contract templates, such as the Lecture or Artistic Performance Agreements, unless modifications to the terms and conditions are needed. However, these contracts may not be inappropriately used. For example, a Lecture Agreement must not be used to contract with providers of services other than Lectures. In addition fully signed contract should be submitted to the Contract Compliance Office *prior to the event or service* for inclusion in the University’s repository, via the Contract Management System.

1.3 The following types of contracts, subject to the conditions specified below:

- Software licenses¹
- Purchase/licenses related to statistical data (i.e. Bloomberg)
- Online subscriptions (not including online advertising)
- Online shopping carts with terms and conditions (i.e. Amazon, Walmart)
- Purchase of lab supplies and equipment
- Purchase of mailing lists for KSU marketing purposes
- Music licenses/rental agreements related to use of specific music pieces in theatrical productions, film licenses, play license for theatre productions, and image licenses

if all of the following conditions apply:

- i. Cost of the contract or purchase is \$4,999.99 or less²; and
- ii. The initial year’s cost of the contract is paid from the current fiscal year’s budget; and
- iii. The product is for localized use solely within the department or college making the purchase, and not for campus-wide use.

2. Internal KSU agreements:

2.1 Internal agreements/understandings between two or more KSU departments may be executed or processed without obtaining approval from Contract Compliance. For example:

- Memorandums of Understanding
- Joint Appointment Agreements
- Facility Use Agreements
- Service Agreements or Invoices/quotes.

¹ *Agreements related to the licensing of software which contain additional services, such as training, customization, and implementation or professional services, are considered service agreements and require Contract Compliance review.*

² *Purchases exceeding \$4,999.99 should not be divided into multiple smaller purchases to avoid Contract Compliance review. If there are multiple contracts/quotes with the same vendor related to a single purchase or project, the cumulative value of these contracts will be considered as the total contract value absent information showing that they are truly independent items..*

- 2.2 Please note that this exemption does not apply to agreements with affiliated organizations (such as the KSU Research & Service Foundation (KSURSF), KSU Foundation, KSU Athletic Association, etc.). Such agreements are not internal agreements. The exemption also does not apply to agreements with other institutions that are part of the University System of Georgia.
- 2.3 Both incoming and outgoing research contract templates through KSUSRF, as these are reviewed by Legal through the Research Office process. This exemption does **not** include contracts for the purchase of goods and services required and in support of the research itself.³

³ *Contracts directly with KSU (as opposed to KSURSF) require the signature of the Vice President of Finance & Chief Financial Officer. Legal Office review for applicable contracts must be coordinated by the Research Office. In certain circumstances, incoming or outgoing research contracts should be reviewed by other offices such as EHS, UITS or Facilities (e.g. scientific equipment). The Research Office is responsible for engaging directly with other offices, as appropriate and necessary.*