

# Policy Summary

Policies: *SYS 521, Authority to Sign Procurement Contracts in the UW System* (last revised October 15, 2019)

*SYS 523, Emergency Procurements* (last revised October 15, 2019)

*SYS 540, Non-Competitive Procurement Contracts* (last revised June 7, 2022)



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*Revisions to the above policies will be effective upon their approval.*

## Summary of Policy and Policy Revisions

- These policies are proposed for revision in response to amendments made to [Regent Policy Document 13-1, General Contract Approval, Signature Authority, and Reporting](#), approved by Resolution 11895 on June 10, 2022. For details on the specific revisions proposed in each policy, see below:
- **SYS 521, Authority to Sign Procurement Contracts in the UW System**
  - Throughout the policy, updated the citation formatting to the Wisconsin Statutes to align with other SYS policies.
  - In Section 4.A, removed language regarding Wisconsin’s Department of Administration delegating contract signature authority to sign contracts, and simplified language regarding Director of Procurement titles.
  - In Section 5, removed “Procurement” from the term **Contract Signature Authority**.
  - In the first paragraph of Section 6, clarified that **procurement** contracts must follow an authorized process, replaced “purchasing agent” with **contracting personnel**, and replaced language regarding the state procurement delegation policy and the delegation of authority agreement with a reference to **RPD 13-1, General Contract Approval, Signature Authority, and Reporting**.
  - In the third paragraph of Section 6, clarified that contracts must be signed by **formally** delegated university contracting **personnel**, and added the **President** as an individual who can delegate procurement contract signature authority. Also added that delegated personnel must **confer with Purchasing personnel** when determining the appropriate procurement authority, removed language that designated that this authority would be the state of Wisconsin or Board of Regents, and clarified that **Purchasing** must conduct the appropriate procurement process. In the last sentence, replaced the term “officer” with **personnel**.
  - Removed the fourth paragraph of Section 6 regarding University Contracting Officers not having the authority to sign state of Wisconsin procurement contract documents.
  - In the last paragraph of Section 6, removed the words “to monitor” to simplify language.

- **SYS 523, *Emergency Procurements***
  - In Section 3, added language to clarify that this policy does not apply to contracts for Architectural and Engineering (A/E services) or construction.
  - In the second paragraph of Section 6, changed language from “must” to **may**, and removed the sentence dictating that contracts over \$1 million require the Board of Regents approval.
  
- **SYS 540, *Non-Competitive Procurement Contracts***
  - In Section 1, added language to correct a sentence fragment.
  - In Section 1, added language to further clarify the purpose of the policy.
  - In Section 3, added language to clarify that this policy does not apply to contracts for Architectural and Engineering (A/E services) or construction.
  - In Section 5, removed reference to Cost and Price Analysis Guidance and added the definitions for “Delegated Approver” and “Procurement Director.”
  - In the first paragraph of Section 6, replaced “Purchasing Lead” with “Purchasing department.”
  - In the fourth paragraph of Section 6, added “and including,” removed “and signed,” and added the UW System institution’s Purchasing Director **or their delegated approver**.
  - In the fifth paragraph of Section 6, added the institution’s **Purchasing Director or their delegated approver** to those required to approve contracts valued from \$150,000 to and including \$499,999 and recognized that some institutions utilize the title **Vice President** instead of **Vice Chancellor** for Finance **and** Administration. Additionally, removed the language regarding the institution’s Purchasing Director being able to sign these contracts.
  - In the sixth paragraph of Section 6, added the institution’s **Purchasing Director** or their **Delegated Approver** to those required to approve contracts valued from \$500,000 to and including \$1,000,000. Additionally the revision recognizes that some institutions utilize the title **Vice President** instead of **Vice Chancellor** for Finance **and** Administration, and clarified that these contracts **may be** (but are no longer required to be) reviewed by legal counsel.
  - In the seventh paragraph of Section 6, clarified that contracts over \$1,000,000 with private, profit-making organizations must be approved by the institution’s **Purchasing Director** or their **Delegated Approver** and the Vice Chancellor **for Finance and Administration**. Removed the UW System Office of Procurement from the list of those who must approve and clarified that the **campus legal offices at UW-Madison or UW-Milwaukee** can review (in addition to the UW System Office of General Counsel). Clarified that **RPD 13-1** and **RPD 25-4** will define if the contract requires Board of Regents approval (instead of always requiring this approval).
  - Throughout Section 6, replaced “shall” with “must” for clarity and consistency with other SYS policies.
  - In Section 7, added **RPD 25-4, *Strategic Planning and Large or High-Risk Projects*** to the list of related documents.

- **SYS 521, Authority to Sign Procurement Contracts in the UW System**
  - UW-Madison recommended changing the third sentence third paragraph of section 6 to use “these individuals” instead of “this individual” to match the plural used in the preceding sentence. This change was made.
- **SYS 523, Emergency Procurements**
  - UW System Administration requested that language be added to Section 3 to clarify that this policy does not apply to contracts for Architectural and Engineering (A/E services) and construction. This change was made.
- **SYS 540, Non-Competitive Procurement Contracts**
  - UW-Milwaukee requested that additional positions be able to approve contracts at each threshold. This change was not made because the authority required by the Purchasing Director to approve of a Ch. 36 sole source procurement needs to remain at the Purchasing Director level and not be sub-delegated. SYS 540 is a somewhat rare contractual situation other than Academic Support Service Agreements (ASSA’s), and these have always required Procurement Director approval. Some of the requested changes have to do with Ch. 16 thresholds, and it was decided not to conflate the two sub-chapters of procurement authority, in that we have much higher thresholds in place for Ch. 36 procurements.
  - UW-Milwaukee suggested that “Purchasing Lead” be changed to lowercase as it is only used once in the policy and is not defined. The term was changed to “Purchasing department.”
  - UW-Milwaukee suggested that the language that defines the approval thresholds be clarified to account for contracts at exactly \$500,000. Added a range to this approval level.
  - UW-Milwaukee requested that the reference in the last paragraph of section 6 be changed to “Institution’s Vice Chancellor for Finance and Administration” for clarity. Added, “...and the institution’s...” for clarity
  - UW-Eau Claire requested clarification about new roles/responsibilities given to the Purchasing Director surrounding non-competitive contracts at ranging values. No change was made to the policy language. In the current draft, the approvals at different thresholds were modified to provide a clearer hierarchy of approval requirements. This was a needed technical change that did not have to do with signature authority changes made to 13-1.
  - UW System Administration requested that language be added to Section 3 to clarify that this policy does not apply to contracts for Architectural and Engineering (A/E services) and construction. This change was made.
  - UW-Green Bay requested that clarity be provided for the position of “UW System’s Purchasing Director” as some institutions do not have this title within their organizational structure. The definition for “Purchasing Director” was added in Section 5 to clarify.

As of 3/15/2023

- These policies primarily impact the institutions' Office of Procurement and the Office of the Vice President/Chancellor for Finance and Administration.

#### Campus Implementation

- Implementation of these policy revisions is not anticipated to require any additional campus resources or financial burden.
- Campuses must adhere to the provisions of these policies.

#### Additional Communication

- There is no additional communication planned at this time.
- For questions or clarification on this policy, please contact Brent Tilton at [btilton@uwsa.edu](mailto:btilton@uwsa.edu).