



Policy Number and Title:	100.109 CONTRACT REVIEW AND APPROVAL POLICY		
Approval Authority:	BMCC Board of Regents	Date Effective:	June 18, 2021
Responsible Office:	President	Responsible Office Contact:	President

1. POLICY STATEMENT/REASON FOR POLICY

This policy is adopted to establish a delegation of authority to execute contracts on behalf of Bay Mills Community College, and to establish the process by which contracts shall be executed in the future.

2. ENTITIES AFFECTED BY THIS POLICY

All BMCC Departments.

3. WHO SHOULD READ THIS POLICY

All BMCC employees.

4. WEB SITE ADDRESS FOR THIS POLICY

-This policy can be found at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

5. FORMS/INSTRUCTIONS

No forms required.

6. HISTORY

-Created: June 18, 2021

-Next Review Date: June 18, 2024

-BMCC reserves the right to revise policies at any time.

7. THE POLICY

BAY MILLS COMMUNITY COLLEGE

100.109 CONTRACT REVIEW AND APPROVAL POLICY

I. PURPOSE

In the conduct of its educational, research, and community programs, the College is a party to all types of contracts. Contracts have the potential to impose liability on the entire Bay Mills Community College, including its assets and property.

This policy is adopted to establish a delegation of authority to execute contracts on behalf of Bay Mills Community College, and to establish the process by which contracts shall be executed in the future.

II. POLICY

1. **Definitions.** For purposes of this policy, the following terms have the following definitions:
 - a. “College” means the Bay Mills Community College.
 - b. “Contract” means any written or verbal agreement, contract, letter of intent, articulation agreement, grant agreement, liability waiver, deed, lease, memorandum of understanding or agreement that will require the Bay Mills Indian Community to: expend funds, accept financial liability, pledge assets or property, take action, refrain from taking action, or submit to the jurisdiction of the laws of any other tribe, any State, or the federal government;
 - c. “Commercial Enterprise” means any entity owned by the Bay Mills Community College which seeks to generate revenues as its primary purpose; and,
 - d. “Tribe” means the Bay Mills Indian Community.
2. **Scope.** This policy applies to all contracts directly related to the Bay Mills Community College, including:
 - a. The College and its departments;
 - b. Bay Mills Health and Fitness;
 - c. Waishkey Bay Farms;
 - d. Great Lakes Composites and Institute; and,
 - e. Other commercial enterprises owned now or in the future by Bay Mills Community College.
3. **No authority.** No individual has authority to contract on the College’s behalf, except where authorized by this policy. An individual employee shall be deemed to be acting outside the scope of his/her employment if s/he attempts to execute a contract in violation of this policy and may be personally liable for the contract.

Contracts executed in violation of this policy shall be void and the employee subject to discipline.

4. Mandatory Legal Review.

All contracts between Bay Mills Community College and any other party must be reviewed for legal, insurance, and risk management issues.

5. Board of Regents Approval Required. The following contracts must be approved by the Board of Regents prior to signing in order to be valid:

- a. Contracts which deviate from the BMCC Charter regarding contracts¹; or agreements to waive sovereign immunity from suit in any forum; and,
- b. Contracts in which the College agrees to submit to binding arbitration.

6. Contracts Not Requiring Board of Regents Approval. Contracts that do not require the approval of the Board of Regents must be signed by the College President.

7. Responsibility of Individual Signing a Contract. Prior to signing a contract, an individual must ensure that:

- a. the College is identified as Bay Mills Community College only in all agreements and contracts;
- b. the official College address is 12214 W. Lakeshore Drive, Brimley, MI 49715 and shall be listed in all contracts;
- c. the contract is in the best interests of the College;
- d. the College is able to meet its obligations under the contract;
- e. the liabilities do not present undue risks on the College;
- f. any financial liability is contemplated by and within the applicable budget from which such liability is to be accrued;
- g. any automatic renewal clauses do not exceed the grant's life cycle; and,
- h. the contract complies with this policy, all college policies, and all applicable laws and regulations.

8. Conflicts of Interest. No individual may sign a contract when it would present a conflict of interest, as defined in Section 300.806 of the College's Personnel Policies.

¹ Bay Mills Community College (BMCC) is a Tribal College and a non-profit organization chartered by the Bay Mills Indian Community, a federally recognized Indian Tribe. **Article IX Section 1 of the BMCC Charter provides that "The Corporation may sue or be sued, provided that such suit is brought in the Bay Mills Tribal Court."** Article IX Section 2 also provides that **"All contracts and appropriate forms signed or issued by the Corporation shall designate the Tribal Court as the appropriate forum to decide the liability of the Corporation."**

9. Violations of Policy. Violations of this policy may subject an employee to discipline in accordance with the College's Personnel Policies & Procedures.

10. Retention of Records. Any person who signs a contract under this policy shall be responsible for preserving at least one original, fully-executed copy of the contract. Electronic copies of all contracts executed pursuant to this policy shall be provided to the President, Director of the Department responsible for administering the contract, the Vice President for Business and Finance, and the College's legal counsel.

11. Reserved Powers of the BMCC Board of Regents. The BMCC Board of Regents retains the general and overriding power to enter into all contracts binding the College, regardless of any delegation of authority in this policy.

We do hereby certify that the foregoing Bay Mills Community College 100.109 Contract Review and Approval Policy was duly presented and adopted by a vote of ____ For, ____ Against, ____ Abstaining, ____ Absent; by a vote of the Bay Mills Community College Board of Regents, taken June 18, 2021.

BAY MILLS COMMUNITY COLLEGE
BOARD OF REGENTS

By: _____
Beverly Carrick
Secretary