Facilities Use

March 2018

Finance

Instructions for Facilities Use (Multi-Facilities)-On Campus only

**Instructions for Minnesota State Facilities Use Agreement – Multi-Facilities-On Campus only**

## UseThis Facilities Use Agreement (Multi-Facilities) - On-Campus Only is to be used when third parties not related to Minnesota State want to use *multiple* on-campus facilities for shorter-term or sporadic use lasting less than one year, such as for residential camps. An Agreement should be executed and in place prior to a third party using multiple campus facilities. These types of agreements are most commonly used for summer sport camps where there is use of residential, athletic and food facilities. This agreement is meant for programs that are operated by a separate legal entity (e.g. soccer associations, football, dance club) that wish to use multiple campus facilities.

## Limitations

This agreement is only intended for use where multiple campus facilities are being used. A separate legal entity that is sponsoring the program should be the contract licensee and responsible for providing insurance. This agreement is not intended to be used for programs that are sponsored and actively run by the college or university. Faculty or staff that organize the event are not a substitute for a separate legal entity taking contract responsibility if that entity is responsible for providing the program.

## System Procedure 6.7.2: Use of College and University Facilities (College or University as Lessor /Landlord). <http://www.minnstate.edu/board/procedure/607p2.html>

**Related Documents:** Checklist 6.7.2.1 Leasing and Use of Minnesota State Facilities

 <http://www.minnstate.edu/board/procedure/6-07p2g1.pdf>

## Document Details

* **Agreement Numbering** – Use “M” (for “Multi-Facilities”) followed by the three digit campus ID, the last two digits of the fiscal year that the lease starts, and sequential numbering based on the order the agreement was started.
	+ (example: M-203-1301 refers to the first multi-Facilities agreement at Alexandria Technical College in FY13)
	+ If more than one agreement is starting at the same time, use the largest agreement (in square footage) as the first number.

Approval authority

* **Check signature authority**. **–** Check signature authority. College and university presidents and the Director, Capital Development, may enter into agreements that are valued at $100,000 or less and for five (5) years or less in length (including all renewal options), using Minnesota State standard forms. This form, *Facilities Use Agreement (Multi-Facilities) – On-Campus Only*, is designed for shorter-term or sporadic use lasting less than one year use only. If a term of over one year is contemplated, consider using *Minnesota State as Landlord Lease Agreement* or contact Real Estate Services for assistance. The College or University shall maintain copies of all agreements. Agreements lasting less than one year may be provided to system office at the discretion of a College or University or upon request from the system office.
* **Vice Chancellor - Chief Financial Officer approval -** Required for all agreements where the overall value is greater than $100,000 or is expected to last longer than five (5) years, including all options to renew. The Vice-Chancellor - Chief Financial Officer signs all easements and licenses, or may delegate that authority as appropriate.
* **Board of Trustees approval** is required for all agreements where the overall value is greater than one million dollars ($1,000,000), including renewal of existing agreements.

## Special Notes

* Not a Lease. The agreement is not a lease and is not designed to create a landlord – tenant relationship, and should not be used when a lease is more appropriate.
* Insurance. Evidence of insurance is required before use of the Facilities is allowed.
* Encumbrance. In the rare event that a campus expends funds to prepare the space for a Licensee, the campus must encumber the funds for that purpose.
* Questions. Users with questions about this agreement should contact the System Office Real Estate Services, 651.201.1775 or 651-201.1911.

## Instructions for Completion of Minnesota State approved template:

## Instructions for completing this form are in italics and brackets. Please complete every field and delete all instructions, including the brackets.

* Any modification of forms approved by the System Office or the use of a non- system office form requires review by Real Estate Services and/or system legal counsel and approval of the Vice Chancellor – Chief Financial Officer. System legal counsel includes either the Minnesota State Colleges and Universities General Counsel or the Minnesota Attorney General's Office. Real Estate Services is located within Facilities in the System Office - Finance Division.