

Office of Land & Capital Asset Stewardship

Clemson University Leasing Policy & Procedures

I. Purpose

This policy outlines delegations of authority and guidelines regarding the leasing of real property by or from Clemson University.

II. Authority

Authority granted by Clemson University Administrative Policy: Real Property Acquisition and Disposition Policy Number: TBD

III. Policy

No lease or rental of real property, including any interest in land, buildings, office space, laboratory space, storage space, water, natural resources or mineral rights, may be entered into or will be binding upon Clemson University (here after the University) unless the provisions of this Policy and Procedure are satisfied. Any agreement which does not comply with the terms of this Policy and Procedure shall not be binding upon Clemson University unless ratified by the Chief Financial Officer or the Board of Trustees, depending on the total annual rent as described in this Policy.

Any request for leasing, or for the extension or renewal of a lease, of real property for University purposes must be submitted to the Office of Land & Capital Asset Stewardship (hereinafter, "LCAS"). Real property leases may be entered into which support academic, research, public service programs or other activities of the University when no land or facility owned by the University or an affiliated organization is available. Deviations from the stated lease provisions require review and approval by Clemson University General Counsel as to legal form.

The Office of Land & Capital Asset Stewardship is responsible for securing all leased real property for Clemson University and University affiliated organizations (referred to as "lease-ins"). The Office is also responsible for the renting out and leasing of University real property (referred to as "lease-outs"). The University will follow applicable State of South Carolina laws, rules, and regulations in all leasing activity and the University's procedures are structured to ensure compliance with these applicable laws, rules and regulations.

IV. Procedures for Real Property Lease Agreements When Clemson University is Lessee

A. Required Approvals

Leases less than 3 months' duration or less than \$25,000 in a single fiscal year may be executed by the University's Chief Financial Officer. All other leases must be approved by the Clemson University Board of Trustees and the State Budget and Control Board.

B. Time for Approval

To ensure adequate time for all necessary reviews and approvals, lease requests should be submitted to the LCAS 9 months in advance of the date the property is needed. Requests submitted less than 9 months in advance will be processed as expeditiously as possible.

C. Procedures

Leases of \$25,000 or More (Annually)

1. All lease requests shall be forwarded to the LCAS using the approved forms located on the Office website. Each request is to consist of:
 - A completed Service Request Form, Space Allocation Form and Budget Approval form, which are all available via the LCAS website.
 - A narrative statement of justification that fully explains why space must be rented.
 - All forms must be complete and include the signature of the Department and/or Unit Vice President and/or Dean.
 - Signature of the Department and/or Unit Vice President and/or Dean indicates the availability and commitment of funds for the proposed lease and any required due diligence.
2. After review and approval by the LCAS and formal approval from the Clemson University Chief Financial Officer, the request will be sent to the Clemson University Board of Trustees for consideration.
3. Upon the approval of the Clemson University Board of Trustees the lease request will be sent to the State Budget and Control Board for processing. In consultation with the State Budget and Control Board General Services Leasing Unit, the LCAS will select a suitable space and give its written justification of selection to General Services.
4. LCAS will inspect the Property to ensure the proposed location is code compliant for the intended use and suitable for occupancy by the University. LCAS will engage Clemson University Facilities or others as needed.
5. The LCAS will submit a proposed lease to the prospective lessor. The Office of General Counsel will review and approve leases as necessary.
6. Following all required approvals, the LCAS will submit the lease to the University Chief Financial Officer for signature.

7. The LCAS will send the lease and a "Budget Approval Form" to the University Budget Office.
8. The LCAS transmits the approved "Budget Approval Form" and the lease to the Budget and Control Board's Property Management Office. After approving the lease, the General Services Leasing Unit returns the lease, the "Budget Approval Form", and the approved "Lease Payment Authorization" to the LCAS. LCAS will notify the Office of Risk Management and the requesting University Department by copy upon the approval of the lease.
9. The requesting University Department will prepare a "Purchase Requisition" for the lease through buyWays. The Requisition should be for an amount at least to pay for the lease through the current FY, but may be a multi-year requisition. .
10. The requesting University Department/Unit will be required to process payments to the lessor through buyWays throughout the duration of the lease.

Leases Less than 3 Months Duration or Less than \$25,000 (Annually)

1. All lease requests shall be forwarded to the LCAS using the approved forms located on the Office website. Each request is to consist of:
 - o A completed Service Request Form, Space Allocation Form and Budget Approval Form which are all available via the LCAS website.
 - o A narrative statement of justification that fully explains why space must be rented.
 - o All forms must be complete and include the signature of the Department and/or Unit Vice President and/or Dean.
 - o Signature of the Department and/or Unit Vice President and/or Dean indicates the availability and commitment of funds for the proposed lease and any required due diligence.
2. Potential properties will be reviewed with the requester to select those for preview.
3. It is the responsibility of the LCAS to handle all communications, appointments, and negotiations with potential lessors.
4. Once property has been previewed by the requester, LCAS will inspect the Property to ensure the proposed location is code compliant for the intended use and suitable for occupancy by the University. LCAS will engage Clemson University Facilities or others as needed.
5. The LCAS will submit a proposed lease to the prospective lessor. The Office of General Counsel will review and approve leases as necessary.
6. The lease will then be presented to the University Chief Financial Officer for signature. The requester will be notified by copy of the signed lease agreement that final approval has been received. Occupancy can then occur.
7. The requesting University Department will prepare a "Purchase Requisition" for the lease through buyWays. The Requisition should be for an amount at least to pay for the lease through the current FY, but may be a multi-year requisition. .
8. The requesting University Department/Unit will be required to process payments to the lessor through buyWays throughout the duration of the lease.
9. The LCAS will forward the lease to the State Budget and Control Board.

Lease Renewals

1. The LCAS is responsible to contact each tenant one year in advance of a lease's termination.
2. The tenant is responsible, no later than nine months prior to lease termination, to forward in writing to the LCAS its intent to renew or terminate upon expiration the current lease.
3. The LCAS will proceed to notify the lessor of the University's intent. A copy of the letter of intent will also be sent to the General Services Leasing Unit.
4. The LCAS will, in the case of renewals or re-negotiation, adhere to the aforementioned University lease policies and procedures.
5. In the event of lease termination, the occupants will vacate the leased space no later than the date of lease termination.
6. It is the responsibility of the tenant to leave the property in the condition as described in the lease.
7. The Office of Risk Management will be notified by LCAS after final approval of the lease.

Lease-Out

1. All lease-out requests shall be forwarded to the LCAS.
2. After review and approval by the LCAS and formal approval from the Clemson University Chief Financial Officer, the request will be sent to the Clemson University Board of Trustees for consideration.
3. Upon the approval of the Clemson University Board of Trustees the lease request will be sent to the State Budget and Control Board for processing. In consultation with the State Budget and Control Board General Services Leasing Unit.
4. The LCAS will submit a proposed lease to the prospective lessee. The Office of General Counsel will review and approve leases as necessary.
5. Following all required approvals, the LCAS will submit the lease to the University Chief Financial Officer for signature.
6. The LCAS will send the lease and a "Budget Approval Form" to the University Budget Office.
7. The LCAS transmits the approved lease to the Budget and Control Board's Property Management Office.
8. LCAS will notify the Office of Risk Management upon the approval of the lease.