

# Guide to Leases and Use Agreements

Tennessee Technological University  
Capital Projects & Planning



2018

**Consists of these six parts:**

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**Solicitation Documents**

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**Authoritative References**

**Procedural Instructions**

**Administrative Forms**

**Special Alternative Agreement Forms**

**In addition, the following documents can be downloaded in their native Word™ and Excel™ formats for further use.**

	<b>Solicitation Documents</b>
L 00100	Advertisement for Lease Proposals
L 00450	Lease Proposal Quotation Form
L 00515	Lease Agreement form (TTU institution is Lessee)
	<b>Administrative Forms</b>
L 30435	Certification of Funding for Lease Obligation
L 30563	General Services Space Action Request
L 30565	General Services Office Space Requirements Analysis RSM-1A
L 30567	General Services Supplementary Data Questionnaire RSM-1B
L 30650	Proposal Analysis and Summary
L 30660	Enrollment History and Projection
	<b>Special Alternative Agreement Forms</b>
L 40501	Mutual Use Agreement
L 40503	Transient Use Agreement
L 40505	Tenant Use Agreement
L 40525	Lease Agreement form for TTU as Lessor

## STATE LAWS

### DIRECTLY AFFECTING TENNESSEE TECH UNIVERSITY LEASES

This is an informal list, compiled to assist administrators, and may not be all-inclusive.  
Do not rely on it for your legal needs. Consult an attorney.

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#### Particularly relevant to the State Building Commission

<b>4-15-101 to 107</b>	State Building Commission (overall)
<b>4-29-211</b>	State Building Commission termination
<b>12-2-112</b>	Disposal of Real Property
<b>12-2-114 and 115</b>	State Leases
<b>12-2-116</b>	Agreements for private development, construction, and operation
<b>12-4-101 to 114</b>	Public Contracts (General Provisions)
<b>12-4-201 to 208</b>	Public Contracts (Surety Bonds)
<b>62-2-107 et seq</b>	Use of Licensed Professionals for design work
<b>68-18-201 et seq</b>	Public Buildings Accessibility
<b>68-18-301 et seq</b>	Safety Glazing

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#### Particularly relevant to the Tennessee Technological University

<b>12-4-110(b)</b>	Section 12-4-110 on Public Contracts execution not applicable to SBC projects.
<b>12-4-110(a)</b>	Contracts for personal, professional, or consultant services must be executed by head of agency.
<b>12-4-110(a)(1)</b>	Contracts using multi-year appropriations must be approved by Comptroller.
<b>12-4-110(a)(4)</b>	Contracts subject to 12-4-109
<b>49-8-101(b)</b>	Government, management, and control vested in Board.
<b>49-8-111(b)</b>	Receipts from sale of institution land shall benefit the capital outlay fund of the institution. (Part (d)(1) of this Section allows Board to determine use of proceeds from sale of central office land.)
<b>49-8-114</b>	Universities and Community Colleges may set aside up to 10% of property and services procurement for small and minority business.
<b>49-8-203(a)(1)(C)</b>	Board empowered to approve capital budgets and otherwise set fiscal policy for its institutions
<b>49-8-203(a)(1)(E)</b>	Board generally responsible for operation of institutions, delegating to institution CEO necessary powers and duties.
<b>49-8-203(a)(3)</b>	Board empowered to erect and equip buildings.
<b>49-8-203(a)(4)</b>	Board granted “such other powers ... as are necessary” to carry out mandate similar and comparable to UT trustees.
<b>49-9-209(e)(1)</b>	UT Trustees empowered to promulgate “by-laws, rules and regulations for the government of the university and the promotion of education therein as in their opinion may be expedient or necessary”.

# STATE BUILDING COMMISSION POLICIES

## RELEVANT TO TENNESSEE TECH UNIVERSITY LEASES

This is an informal list, compiled to assist administrators, and may not be all-inclusive.

### **Item 1** By-Laws

- I-3,C. Acquisition, Disposal, and Lease of Property
- V-2,C Executive Sub-Committee delegated authority

### **Item 2** Jurisdiction

- 2.02,B,3 Leases which include construction
- 2.02,C,1 Leases exceeding \$150,000 annually or 5 years term

### **Item 6** Design and Construction

- 6.02 Arrangement of office areas  
(open office landscaping promoted for office areas)

### **Item 7** Leases of Real Property

- 7.01 Procurement of Leases Where State is Lessee
- 7.02 Leases Amendments Where State is Lessee
- 7.03 Certification of Funds Where State is Lessee
- 7.04 Leases Where the State is Lessor
- 7.05 Disposal by crop lease

### **Item 8** Real Property Acquisition and Disposal

- 8.01 General acquisition and disposal
- 8.02 Disposal of interests other than fee simple

## APPLICABLE TTU BOARD GOVERNANCE

Policies and procedures can be viewed and printed at TTU CPA internet website

<http://www.tntech.edu/capitalprojects>

Select the “Policies and Procedures” link in the Home Page main menu.

Subject	TTU Policy or Guideline
Capital Projects Management	Policy 581
Acquisition and Disposal of Real Property	Policy 582
Lease Procurement Policy & Procedures	Policy 583