

Facilities Use

October 2024

Instructions for Facilities Use Agreement, State Agency or State Board

# Instructions for Minnesota State Facilities Use Agreement – On-Campus Only -- State Agency or State Board

## Use

This **Facilities Use Agreement - On-Campus Only – With a State Agency or Board** is to be used when state agencies or boards (unrelated to Minnesota State) wish to use a Minnesota State college or university facility for shorter-term or sporadic use and lasting less than one year. An Agreement must be executed and in place prior to a state agency or board use of a campus facility. Sample users: DEED, DNR, MNDOT, Board of Water and Soil, Dept. of Education, Office of Higher Education etc.

## Limitations

Do not use for University of Minnesota, local/city or municipal or federal users of space on campus.

Do not use if a term of over one year is contemplated, for the latter, use a Minnesota State as Landlord Lease Agreement or contact Real Estate Services for assistance.

### System Procedure 6.7.2 [Use of College and University Facilities (College or University as Lessor).](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)

## Approval authority

**Confirm signature authority**.

College and university presidents and the Director, Capital Development, Real Estate Services, may enter into real estate 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. ***Facilities Use Agreement – On-Campus Only-* With a State Agency or Board is for shorter-term or sporadic use lasting less than one year use only**. The College or University shall maintain copies of all Agreements. Agreements may be provided to the system office at the discretion of a College or University or upon request from the system office.

## 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**. Properly research to ensure that the agency is an actual Minnesota state agency or board. If in doubt, contact System Office Real Estate Services, 651.201.1539, or the Director of Risk Management at 651.201.1778. If not a state agency or board, use a different template as evidence of insurance is required before use of the On-Campus Facilities is allowed.
	+ **Encumbrance**. If the campus expends funds to prepare the space for a User, the campus must encumber the funds for that purpose

## Instructions for Completion of Minnesota State approved template:

* + Instructions for completing the Facilities Use Agreement - On-Campus Only – With a State Agency or Board template 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 system legal counsel and approval of the Vice Chancellor for Finance and Facilities. System legal counsel includes either the Minnesota State Colleges and Universities General Counsel Office or the Minnesota Attorney General's Office. **Real Estate Services is located within Facilities in the System Office - Finance Division**[**.**](http://www.google.com/url?q=http%3A%2F%2Fwww.mnscu.edu%2Fboard%2Fprocedure%2F607p3.html&sa=D&sntz=1&usg=AFQjCNGIlfWZj7PU_3ZflWqTxBcRkoCeqg)
	+ **Questions.** Users with questions about this agreement should contact the System Office Real Estate Services, 651.201.1539.