Facilities Use

November 2024

Instructions for Facilities Use Agreement - Off-Campus Facilities Only

# Instructions for Minnesota State Facilities Use Agreement Off-Campus Only

## Use

This Facilities Use Agreement - Off-Campus Facilities Only is designed for short-term use (from 1 day to a semester) of an off-campus facility owned by a third party. Examples: when a campus holds class(es), or events at a high school, community center, conference center, or other special purpose facility located off-campus.

## Limitations

This agreement is intended for use in an off-campus location for short term (less than 1 year) use. This agreement can be offered when the property owner does not have a formal document they use for occupancy/use of space.

### System Procedure 6.7.3: Use of Non-College and University Facilities (College or University as Lessee/Tenant).

* [MinnState.edu/board/procedure/607p3.html](https://www.minnstate.edu/board/procedure/607p3.html)
* Related Documents
  + [Checklist 6.7.3.1 Leasing and Using Off-Campus Facilities](https://www.minnstate.edu/board/procedure/6-07p3g1.pdf)

## Approval authority

### Confirm signature authority.

College and university presidents and the System Director, Capital Development, may enter into Facilities Agreements on campus 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 - Off-Campus Only*, is designed for short-term use (1 day to a semester) only. If a term of over one year is contemplated, consider the *Minnesota State as Tenant Lease Agreement* forms, (with or without leasehold improvements), or contact Real Estate Services for assistance. The College or University shall maintain copies of all Agreements. Agreements expected to last one year or longer shall be provided to the system office after execution. Agreements lasting less than one year may be provided at the discretion of a College or University or upon request from the system office.

### When System Vice Chancellor of Finance and Facilities approval is required.

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 of Finance and Facilities signs all easements and licenses or may delegate that authority as appropriate.

### When Board of Trustees approval is required.

Board approval is required in advance of signing any facility agreement where the overall value (including options to extend) is greater than three million dollars ($3,000,000).

## Conflict of Interest

As a general rule, colleges and universities should not be entering into facilities agreements for properties that are owned or controlled by an employee of the college or university without vetting the potential for conflicts of interest in accordance with applicable policies and law. If you believe or there appears to be a conflict of interest, you must disclose this information to, and seek advice from, the Office of General Counsel prior to proceeding.

## Special Notes

* Not a Lease. The facilities 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.
* Questions. Users with questions about this agreement should contact the System Office Real Estate Services, or 651-201-1539.

## Instructions for Completion of Minnesota State approved template:

* Instructions for completing thistemplate 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 Real Estate Services 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)