



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 72.07: Leasing Land, Space, and Facilities

DATE: March 22, 2024

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish guidelines for leasing space to ensure compliance with state law.

REVIEW: This OP will be reviewed in February of even-numbered years by the Assistant Vice President and Chief Procurement Officer (CPO) with substantive revisions forwarded to the Senior Vice President for Administration & Finance and Chief Financial Officer.

POLICY/PROCEDURE

1. Policy

Leases that will be paid with federal funds, institutional funds, or state-appropriated funds shall be entered into through current Texas Tech Procurement Services policies and procedures. Refer to [OP 72.02, Contract Management Procedures](#), and [OP 72.09, Procurement of Goods and Services](#).

2. Leasing Criteria

- a. Leased space and associated facilities must comply with [Texas Accessibility Standards \(TAS\)](#), permitting accessibility for aged, disabled, and mobility-impaired persons unless they are not used by the public or if it is improbable that aged or disabled persons will be employed to work in them because of the physical requirements of the work done therein (Article 9102, T.C.S.). The Texas Department of Licensing and Regulation (TDLR) must approve any request for an exemption from compliance with these accessibility standards. Texas Tech University does not have the authority to waive this requirement.
- b. Each facility that is leased that exceeds \$12,000 annually, without regard to the funding source, must be submitted to the TDLR before occupancy on the *Architectural Barriers Lease Evaluation* form and submitted with the required application fee. The CPO can assist in filing with the TDLR. The fee will be paid by the requesting department.
- c. The Board of Regents must approve any lease with a lease term greater than five (5) years that cannot be canceled without cause in 180 days or less, in compliance with Section 07.12, *Regents' Rules*.

3. Leasing Procedures

- a. Requests for leased space and facilities must be submitted to the CPO on a *Lease Request Form* (see Attachment A).

- b. A copy of the *Lease Request Form* will be submitted to the Operations Division. If the Operations Division cannot find suitable space in another Texas Tech University-owned facility, the Operations Division will notify the CPO, and the procurement process provided for in [OP 72.09, Procurement of Goods and Services](#), must be followed.
- c. Each request must be approved by the appropriate divisional vice chancellor or vice president and the Provost for any academic unit requesting the lease.
- d. Upon approval by the Operations Division, and the appropriate divisional vice chancellor or vice president and the Provost for any academic unit requesting the lease, the department shall work with Procurement Services on the procurement process. Any lease exceeding \$50,000 will require three competitive quotes and any lease exceeding \$100,000 per annum will require a Request for Proposal.
- e. After the procurement process is complete, Procurement Services will work with the lessor, the department, and the Office of General Counsel to develop the lease agreement.
- f. Before finalizing the lease, the Operations Division shall review and approve the lease. Upon approval, the CPO will route the lease for the appropriate signature approval.
- g. Annual expenses for the leases must be encumbered at the beginning of each fiscal year (August). A requisition must be submitted annually in TechBuy to encumber funds for the lease through August 31 of each fiscal year. Subsequent encumbrances should be submitted in TechBuy at least 60 days before the start of each fiscal year.
- h. Call the Assistant Managing Director of Strategic Acquisition or Section Project Manager of Strategic Acquisition (806.742.3844) for assistance with leasing space and facilities.

4. Leasing Space from another Governmental Entity

Space may be leased without any required competitive procurement process:

- a. Through an interagency contract from another state agency or quasi-governmental agency; or
- b. Through a negotiated contract from:
 - (1) The federal government or any federal agency; or
 - (2) A political subdivision including a county, municipality, school district, water or irrigation district, hospital district, council of governments, or regional planning commission.

5. Leasing Space from a Private Source

- a. Space may be leased from a private source in compliance with [OP 72.09, Procurement of Goods and Services](#), through competitive quotes or sealed proposals.
- b. Leases must use the listed procurement method if the lease space does not qualify under section 4 of this OP and the annual lease amount will be greater than \$100,000.

- c. Texas Tech University may require departments to use a contracted vendor for the lease of storage space. Contact Procurement Services for additional information on storage space.

6. Contract Administration

- a. The TDLR strictly enforces accessibility standards. Enforcement actions that might be taken include cancellation of existing lease contracts, mandatory relocation of an activity from space currently occupied, filing suits against lessors, and other actions of a similar nature.
- b. It is the responsibility of the administrator responsible for use of the leased space to ensure that the lessor adheres to all lease specifications, especially those regarding accessibility. The responsible administrator shall notify the CPO as soon as possible if any leased space does not meet lease standards.

[Attachment A: Lease Request Form](#)