

Land and Building Leasing Procedures

Purpose

The purpose of this document is to ensure that university leased spaces are suitable for the planned use and are acquired on the best economic and schedule terms available.

Applicability

This procedure covers all leases for land or building space that are contemplated to have a term of more than one year. This procedure does not cover temporary rentals or tenant at will arrangements.

Initiating a Request for Leased Space

All requests for leased space must be approved by the Vice Chancellor of the requesting department and submitted to the Director of Facilities Planning, Design and Construction. If suitable university-owned space can be made available to the requesting department, the Director will propose a substitution to the requesting department. If a substitution is acceptable to the requesting department, the Director will arrange for Administration approval of the proposed arrangement and assign the university-owned space to the requestor in lieu of seeking leased space.

Competitive Bidding for Leased Space

If no suitable university owned space is available, the client should be guided to Administrative and Fiscal Services where a bid specification will be developed. The bid specification will include input from the client as to the type and square footage of the required space. In addition, the engineers in the Facilities Operations Department will provide the specification regarding all code compliance, life safety, and building infrastructure issues. Administrative Services will review all bid responses for operating and cost implications. The engineers in Facilities Operations will also review all bids for code compliance, life safety, and building infrastructure issues.

If alterations to the space are required Administrative Services, Facilities Operations and Facilities Planning Design and Construction will collaborate and determine if it is advantageous to have the landlord or the University perform the work. All costs and lease implications will be analyzed by Administrative Services and the final determination will be made by the Vice Chancellor for Administrative and Fiscal Services.

Administrative Services is responsible to inform and work with the University of Massachusetts Office of General Counsel on issues of lease form and any other legal consideration. Administrative Services will negotiate with the landlord on any issue of concern to General Counsel. In the event the landlord has legal representation, then counsel to counsel negotiations will occur.

Executing and Recording the Lease

Once the proposed lease has been reviewed by our legal advisors and returned to the campus, Administrative Services will arrange for execution by both the legal agent of the landlord and the appropriate university officer. Leases with financial commitments up to

\$50,000 will require the signature of the Vice Chancellor – Administration and Finance; all leases require the signature of the Chancellor.

All lease execution requests will include a cover letter describing the pertinent functional and economic terms of the lease using a “Lease Data Sheet” (blank copy attached) which shall be completed by the Administrative Services and approved by the requesting department’s Vice Chancellor.

When two original copies of the lease have been properly executed, one original copy will be forwarded to the landlord for his/her files. The second original copy will be forwarded to the Vice Chancellor for Administrative and Fiscal Services. The Vice Chancellor will forward copies to the appropriate parties for rent payment initiation and for file in university archives. A copy of the lease shall also be maintained in Facilities Planning, Design and Construction. FPDC will update the space database to reflect the acquisition of the space to ensure that we have available a complete listing of all space under the control of the university. The Vice Chancellor will insure the Commonwealth’s requirement to report all lease transactions annually will be accurate and comprehensive.