



The State University
of New York

Office for Capital Facilities Guidance Document

CLC-14

Revised: March 2025

Issued: November 2020

Facility Use Agreements

A reference guide to assist State Operated
Campuses in determining the appropriate
approvals for revocable permits, site
licenses, and leases

Summary

Campuses have the authority to enter into facility use agreements (i.e. revocable permits, site license agreements, leases). Under certain circumstances, approval by System Administration is required. This guidance document summarizes the required approvals for facility use agreements as set forth in the SUNY Procedure 7553 (Purchasing and Contracting – Procurement), Policy 5603 (Use of Facilities by Non-Commercial Organizations), the Chancellors Designation, and Policy 5607 Commercial Use Policy (Use of University Facilities for Commercial Purposes).

Non-Commercial Use

For facility use agreements for non-commercial use, campuses will use the revocable permit provided under Policy 5603 (Use of Facilities by Non-Commercial Organizations).

Commercial Use

For facility use agreements for commercial use, **campuses must contact their campus counsel.** Policy 5607 Commercial Use Policy (Use of University Facilities for Commercial Purposes) does not include a revocable permit template. Campus counsel will provide guidance on which contracting instrument to use. Revocable permits may be suitable for commercial use in some cases. Site licenses may be appropriate for commercial use by telecommunications or utility companies. Leases could be appropriate in limited situations.

Contact your campus counsel for more information.

Required Approvals - Revocable Permits, Site License Agreements, Leases

	Type	Description
1	Revocable Permit (University as Permittor)	Approval by System Administration is required when the agreement includes the following criteria ¹ : <ul style="list-style-type: none"> • For an equivalent of 30 days or more per fiscal year; and • Where the permit includes, or may include in the future, a provision for long term use (e.g. ground lease or easement), or any construction, alteration or improvement to the property.
2	Revocable Permits (University as Permittor)	Revocable permits that do not meet the above criteria can be approved by the Campus by the Chief Administrative Officer or designee.
3	Leases: University as Lessee	System Administration approval is required only when the University is a lessee of real property <u>and</u> the University has a contractual option to purchase the real property that is subject to the lease. ²
4	Leases: University as Lessee	Leases that do not meet the above criteria can be approved by the Campus by the Chief Administrative Officer or designee.
5	Leases: University as Lessor	Legislative approval and a Board of Trustee Resolution is most likely required, with limited exception (e.g., STARTUP NY). Please contact the System Administration Office of General Counsel for more information.

¹ Approvals in accordance with Chancellor’s designation and Policies 5603 & 5607

² Lease approvals in accordance with Chancellor’s designation and Procedures 7550 & 7553



External Agency Approvals

Regardless of internal approval requirements, approval by the NYS Office of the Attorney General (OAG) and the Office of the State Comptroller (OSC) are required when the value, or reasonably estimated value, for the use of property and/or related services exceeds \$25,000. When the consideration given by the University does not involve the transfer of money (i.e. a \$0 contract), but the reasonable value of such consideration over the entire term of the agreement exceeds \$25,000, prior approval by OAG and OSC is required. Without approval the agreement is not a valid, enforceable contract. Permits and leases subject to approval by OAG and OSC can be forwarded directly by the campus to those offices.

For facility use agreements (i.e. revocable permits, site license agreements, leases) requiring OSC approval, OSC will request the following information:

- OAG Approval
- Vendor Responsibility Profile, regardless of dollar value
- Vendor Responsibility Questionnaire, for contracts of \$100,000 or more
- Proof of insurance coverage
- Justification of the price charged (example: a standard rate table, or an explanation of how the campus arrived at the rate used, and an explanation for any discounts applied)
- An explanation of the transaction value (i.e., a cost breakdown of the rates charged for rent and ancillary services; a summary of the charges showing how the roll up to the total value)
- For additional information regarding OSC approval of revenue contracts, see the OSC [Guide to Financial Operations \(GFO\) Section XI.7](#)

Once approved, send a copy of the fully executed lease or revocable permit document to leaseandpermit@suny.edu.

Glossary of Terms

- **Lessee:** a tenant, or the entity that takes temporary possession of a lessor's real property interest through a lease
- **Lessor:** a landlord, or the owner of property who contracts with another, the lessee, to allow them to take temporary possession of their real property through a lease
- **Permitter:** the party that issues a revocable permit
- **Revocable Permit:** authorization granted to an entity for the temporary use of University facilities
- **Other users, as defined in Procedure 5603:** Those non-commercial organizations using facilities for an equivalent of 30 or more full-time equivalent days during a state fiscal year, and which involve any construction upon, or modification of, University facilities.

Related Documents

[Procedure 7553](#) - Purchasing and Contracting (Procurement)

[Procedure 7550](#) - Acquisition and Disposal of Real Property Interests, Procedures for

[Procedure 7556](#) – Revenue Contract

[Policy 5603](#) - Use of Facilities by Non-Commercial Organizations

[Policy 5607](#) - Commercial Use Policy (Use of University Facilities for Commercial Purposes)

Chancellor's Designation – on file with Campus Administrative Officers