

Board of Trustees Agenda Item

Board Meeting Date: December 6, 2010

Title of Item: Delegation of Contracting Authority Resolution

Background and Analysis:

Presented to the Board for ratification are resolutions to permit certain individuals to purchase materials and services and enter into contracts subject to Board ratification.

Recommendation: Vice Chancellor Kevin McElroy recommends adoption of the Delegation of Authority Resolutions as attached.

Submitted by:	Kevin McElroy, Vice Chancellor, ext. 6201
Additional contact names:	Carmen Redmond, ext. 6166
Is backup provided?	Yes

RESOLUTION #2010-21A

Purchase of Supplies, Materials, Apparatus, Equipment and Services, including Independent Contractor Services, Pursuant to Public Contract Code 20651

Pursuant to Education Code §81656 the Board hereby delegates the following officers or employees of the District the authority to purchase supplies, materials, apparatus, equipment and services, including independent contractor services, to the limit set forth hereafter:

That person (or persons) employed in the position of: Director, Material & Purchasing Services

That person (or persons) employed in the position of: Senior Buyer

That person (or persons) employed in the position of: Vice Chancellor, Business Services

Provided, however, that if the employee with delegated authority ("delegate") is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate's power and authority provided hereunder for such period of time as the delegate is absent.

The limits of this delegation of authority shall be as follows:

- (a) No such purchase shall be for an amount in excess of the amount specified by section 20651 of the Public Contract Code (currently \$78,500, except \$14,999 for public projects)
- (b) All such purchases shall be evidenced by a written agreement.
- (c) All transactions entered into by the officer or employee with the authority delegated herein shall be reviewed by the Governing Board every 60 days.
- (d) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.
- (e) This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21B

Purchase of Supplies, Materials, Apparatus, Equipment and Services, including Independent Contractor Services, for \$20,000 or less (except \$14,999 or less for public projects)

Pursuant to Education Code §81656 the Board hereby delegates the following officers or employees of the District the authority to purchase supplies, materials, apparatus, equipment and services, including independent contractor services, to the limit set forth hereafter:

That person (or persons) employed in the position of: Vice Chancellor, Technology

That person (or persons) employed in the position of: Vice Chancellor, Human Resources

That person (or persons) employed in the position of: Vice President, Finance and Educational Resources

That person (or persons) employed in the position of: Vice President, Educational Resources and Instruction

That person (or persons) employed in the position of: Executive Director, Foundation

That person (or persons) employed in the position of: Executive Director, Facilities, Operations and Construction Management

That person (or persons) employed in the position of: Executive Director, Flint Center

Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

The limits of this delegation of authority shall be as follows:

(a) No such purchase shall be for an amount in excess of \$20,000 and purchases of public projects including construction, reconstruction, erection, alteration, renovation, improvement, demolition, cabling, landscaping, painting, or repair work involving any publicly owned, leased, or operated facility shall not exceed \$14,999.

(b) All such purchases shall be evidenced by a written agreement.

(c) All transactions entered into by the officer or employee with the authority delegated herein shall be reviewed by the Governing Board every 60 days.

(d) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.

(e) This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21C

Purchase of Supplies, Materials, Apparatus, Equipment and Services, including Independent Contractor Services, for \$5000 or less

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Pursuant to Education Code §81656 the Board hereby delegates the following officers or employees of the District the authority to purchase supplies, materials, apparatus, equipment and services, including independent contractor services, to the limit set forth hereafter:

That person (or persons) employed in the position of: Dean

That person (or persons) employed in the position of: Director

That person (or persons) employed in the position of: Manager

That person (or persons) employed in the position of: Supervisor

That person (or persons) employed in the position of: Vice President

That person (or persons) employed in the position of: Controller

Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

The limits of this delegation of authority shall be as follows:

- (a) No such purchase shall be for an amount in excess of \$5,000.
- (b) All such purchases shall be evidenced by a written agreement.
- (c) All transactions entered into by the officer or employee with the authority delegated hereunder shall be reviewed by the Governing Board every 60 days.
- (d) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.
- (e) This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21D
Procurement Cards

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Pursuant to Education Code §81656 the Board hereby delegates to the following officers or employees of the District the authority to use their duly issued District procurement cards to make purchases of goods and services from retail commercial outlets, vendors and contractors for District purposes, subject to the several limitations set forth hereafter: All those District employees to whom a procurement card has been issued by Business Services.

All District employees to whom a procurement card has been issued are subject to the procedural, transaction, and monetary limits and restrictions determined by the Vice Chancellor of Business Services. In the event of an emergency, those limits and restrictions may be temporarily modified by the Vice Chancellor of Business Services. In the absence of the Vice Chancellor of Business Services, the Controller is authorized to make such determination.

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Provided, however, this delegation of authority shall be subject to the following further limitations:

- (a) Purchases shall only be for goods and services lawful to be purchased for District purposes.
- (b) Purchases shall only be from retail commercial outlets, vendors and contractors legally authorized to conduct business with the District.
- (c) Purchases shall only be for District purposes, which means the purchases shall only be used in the course of the employee's work for the District and shall not be for any personal or non-work purpose.
- (d) This delegation shall be effective only as to a District employee's use of a card duly issued to that person, and only for such length of time as the card remains duly issued to that person; and is further subject to Business Services current "Procurement Card Policies and Procedures" that is incorporated by this reference.
- (e) All transactions entered into by the employee pursuant to this delegation may be subject to audits and investigations. Transactions will be reviewed by the Board every 60 days
- (f) In the event of malfeasance in office, the district employee using the card shall be personally liable for any and all moneys of the District paid out as a result of the malfeasance. For the purposes of this delegation malfeasance shall include any use of the card beyond the limits set forth herein.

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RESOLUTION #2010-21E
Purchase of Books

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Pursuant to Education Code §70902(d) the Board hereby delegates to the following officers or employees of the District the authority to purchase any and all supplementary textbooks, library books, and educational films and visual materials, test materials, workbooks, instructional computer software packages or periodicals, in any amount needed for library services or resale by the College Bookstores:

That person (or persons) employed in the position of: Dean, Library Services

That person (or persons) employed in the position of: Vice President, Instruction

That person (or persons) employed in the position of: Vice President, Workforce Development and Instruction

That person (or persons) employed in the position of: Vice President, Finance and Educational Resources

That person (or persons) employed in the position of: Vice President, Educational Resources and Instruction

That person (or persons) employed in the position of: Director, DA College Bookstore

That person (or persons) employed in the position of: Director, FH College Bookstore

Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

It is the intent of the Board that this delegation of authority shall be a blanket authorization in advance of its exercise, subject only to the following limitations:

- (a) All such purchases shall be reviewed by the Board every 60 days.
- (b) All such purchases shall be consistent with the Board’s philosophy that the College Bookstores be operated as profit centers.
- (c) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.
- (d) This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21F
Purchase of Perishable Commodities

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Pursuant to Education Code §70902(d) the Board hereby delegates to the following officers or employees of the District the authority to purchase any and all perishable foodstuffs and seasonal commodities needed in the operation of cafeterias and food services:

That person (or persons) employed in the position of: Director, Campus Center

That person (or persons) employed in the position of: Vice President, Finance and Educational Resources

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That person (or persons) employed in the position of: Associate Vice President, College Operations

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Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

It is the intent of the Board that this delegation of authority shall be a blanket authorization in advance of its exercise, subject only to the following limitations:

- (a) All such purchases shall be reviewed by the Board every 60 days.
- (b) All such purchases shall be consistent with the Board’s philosophy that the College Food Services be operated as profit centers.
- (c) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.

This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21G,

Power to enter into contracts on behalf of the Governing Board

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Pursuant to Education Code §81655 the Board hereby delegates to the following officers or employees the power to enter into contracts on behalf of the Governing Board, with the intent that this delegation shall be a blanket authorization in advance of its exercise, subject only to those limitations specified hereafter:

That person employed in the position of: Chancellor

That person (or persons) employed in the position of: Vice Chancellor, Business Services

Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

The limits of this delegation of authority shall be as follows:

- (a) This delegation of authority shall not be used as authority to purchase supplies, materials, apparatus, equipment and services that are within the scope of any delegation made by this Board pursuant to Education Code §81656.
- (b) This delegation shall not be used as authority to enter into any contract that is subject to the competitive bid requirements of the Education Code and Public Contract Code. It is the intent of the Board to reserve to itself the Board’s statutory role in contracting that is subject to competitive bidding.
- (c) Any contract entered into pursuant to this delegation shall be in writing and in a form reviewed and approved by the Vice Chancellor, Business Services.
- (d) No contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the District unless and until the same have been approved or ratified by the Board within 60 days, said approval to be evidenced by a motion duly passed and adopted.
- (e) In the event of malfeasance in office, the officer or employee invested with this authority shall be personally liable to the District for any and all money of the District paid out as a result of such malfeasance.
- (f) This delegation of authority shall expire effective the first Monday in December following the date this resolution is passed.

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RESOLUTION #2010-21H
Expenditures of Student Organization Funds

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Whereas Education Code §76063 requires that the funds of student organizations be expended subject to the approval of three persons, including an employee or official of the district designated by the Governing Board,

Now therefore be it resolved that the following officials are designated to approve the expenditure of the funds of student organizations:

Foothill College:

That person (or persons) employed in the position of: Vice President, Student Development and Instruction

That person (or persons) employed in the position of: Dean of Student Affairs and Activities

De Anza College:

That person (or persons) employed in the position of: Vice President, Student Services

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That person (or persons) employed in the position of: Dean, EOPS /CARE and Student Development

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That person (or persons) employed in the position of: Director, Budget and Personnel

Provided, however, that if the employee with delegated authority (“delegate”) is absent from duty, the Chancellor is hereby authorized to select another employee to assume the delegate’s power and authority provided hereunder for such period of time as the delegate is absent.

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