

Board of Trustees Agenda Item

Board Meeting Date: December 10, 2012

Title of Item: Delegation of Contracting Authority Resolution

Background and Analysis:

Presented to the Board are resolutions to permit certain individuals to purchase supplies, materials, apparatus, equipment, and services subject to Board review or 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	Gina Bailey, ext. 6165
Is backup provided?	Yes

12/10/12

RESOLUTION #2012-50A
**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, 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 \$81,000 until January 1, 2013, 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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50B
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 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: Vice Chancellor, Technology

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

That person (or persons) employed in the position of: President, De Anza College

That person (or persons) employed in the position of: President, Foothill College

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

That person (or persons) employed in the position of: Vice President, Educational
Resources & 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
& Construction Management

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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50C
Purchase of Supplies, Materials, Apparatus, Equipment and Services, including
Independent Contractor Services, for \$5000 or less 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: Controller

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

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

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

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

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

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

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

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

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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50D
Procurement Cards

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.

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. All transactions shall be reviewed by the Governing 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.

RESOLUTION #2012-50E
Purchase of Books and Other Retail Merchandise for Resale Purposes Only

Pursuant to Education Code §§70902(d) and 81655 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 for library services or resale, and

Pursuant to Education Code §§70902(d) and 81656 the Board hereby delegates to the following officers or employees of the District the authority to purchase any other retail merchandise for resale purposes only by the College Bookstores:

That person (or persons) employed in the position of: Division Dean, Language Arts & Learning Resources

That person (or persons) employed in the position of: Division Dean, Learning Resources

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

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

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

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

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

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

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

- (a) It is the intent of the Board that this delegation of authority for the purchase of books as defined above shall be limited to \$250,000 per purchase.
- (i) 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 Governing Board within 60 days, said approval to be evidenced by a motion duly passed and adopted.

- (b) It is the intent of the Board that this delegation of authority for the purchase of other retail merchandise for resale purposes only shall not be for an amount in excess of the amount specified by section 20651 of the Public Contract Code (currently \$81,000 for equipment, materials, or supplies).
 - (i) All such purchases shall be reviewed by the Governing Board every 60 days.
- (c) All such purchases shall be evidenced by a written agreement.
- (d) All such purchases shall be consistent with the Board's philosophy that the College Bookstores be operated as profit centers.
- (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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50F
Purchase of Perishable Commodities

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 &
Educational Resources

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

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

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 evidenced by a written agreement.
- (b) All such purchases shall be reviewed by the Governing Board every 60 days.
- (c) All such purchases shall be consistent with the Board’s philosophy that the College Food Services be operated as profit centers.
- (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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50G
Power to enter into contracts on behalf of the Governing Board

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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

RESOLUTION #2012-50H
Expenditures of Student Organization Funds

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 Services

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

De Anza College:

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

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

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.

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

- (a) All such purchases shall be evidenced by a written agreement.
- (b) All transactions entered into by the officer or employee with the authority delegated hereunder shall be reviewed by the Governing Board every 60 days.
- (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 is effective until the first Board of Trustees meeting in December of the year following the date this resolution is passed.

AYES _____
NOES _____
ABSENT _____

Passed and adopted by the Governing Board of the Foothill-De Anza Community
College District at a meeting held on December 10, 2012.

Linda M. Thor, Ed.D.
Secretary to the Board of Trustees