

RESOLUTION NO. 2022-25

Delegation of Authority for

A) Purchase of Supplies, Materials, Apparatus, Equipment and Services, including Independent Contractor Services, and B) Repairs, Maintenance, and Public Projects

Pursuant to Education Code §81656¹ (Contract Delegation of Authority) and Public Contract Code 22034² (Uniform Public Construction Cost Accounting Act), the Board hereby delegates the following officers or employees of the District the authority to purchase up to the limit set forth hereinafter for the below categories:

Category A: Supplies, materials, apparatus, equipment, and services, including independent contractor services.

Category B: Repairs and maintenance as defined in Public Contract Code §20656³ and public projects as defined in Public Contract Code §22002⁴.

<u>That person employed in the position of:</u>	Category A \$ Limit	Category B \$ Limit
– Vice Chancellor – Business Services	Bid Threshold ⁵	\$200,000 (or as adjusted by State)
– Director – Purchasing, Contracts and Risk Management		
– Senior Buyer		

– Buyer	\$60,000*	\$60,000* (or as adjusted by State)

– Chancellor		
– President		
– Vice Chancellor – Technology		
– Vice Chancellor – Human Resources & Equal Opportunity		
– Vice President – Finance & Administrative Services		
– Vice President – Administrative Services		
– Executive Director – California Community College OEI**	\$20,000	N/A
– Executive Director – Facilities & Operations**, ***		
– Executive Director – FHDA Foundation**		
– Executive Director – Fiscal Services		
– Executive Director – International Student Programs**		
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– Vice President, and Associate Vice President		
– Executive Director		
– Director, Assistant Director, and Associate Director	\$5,000	N/A
– Chief of Police, and Assistant Chief of Police		
– Dean, and Division Dean		
– Manager, Supervisor		

*The Director of Purchasing may sub-delegate to Buyers between \$10,000 to \$60,000 depending on each Buyer’s level of experience and training, but in no event will exceed \$60,000. Each sub-delegation shall be authorized and controlled through the Banner Purchasing subsystem for Purchase Order approvals.

**The Executive Director delegation of contract authority shall be expressly for the purpose of entering into contracts directly related to the position’s respective area and/or program of oversight.

*** Pursuant to Board Policy 3213⁶, the Executive Director of Facilities’ delegation of contract authority also includes the signing of Construction Project Change Orders that do not exceed 5% of the construction contract or \$50,000, subject to subsequent ratification by the Board. Change orders in excess of this amount must have prior Board approval.

¹Ed Code 81656: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81656&lawCode=EDC

²Contract Code PCC 22034: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=22034&lawCode=PCC

³Maintenance PCC 20656: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=20656&lawCode=PCC

⁴Public Projects PCC 22002: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=20656&lawCode=PCC

⁵Bid Threshold per PCC §20651: <http://purchasing.fhda.edu/bid-threshold/index.html>

⁶BP 3213: <http://go.boarddocs.com/ca/fhda/Board.nsf/goto?open&id=9TTRLJ6E8673>

Unless approved by the Board, no such purchase shall be for an amount in excess of the amounts specified above.

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:

- 1) All such purchases shall be consistent with board policy and administrative procedure.
- 2) All such purchases shall be evidenced by a written agreement.
- 3) 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.
- 4) This delegation of authority shall take effect upon its adoption and shall be valid for five years through September 12, 2027 unless earlier amended by the Board.

(This Resolution replaces previous Resolution No. 2018-15)

RESOLUTION NO. 2022-26
Delegation of Authority for Procurement Cards

Pursuant to Education Code §81656¹ 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 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 - Business Services. In the event of an emergency, those limits and restrictions may be temporarily modified by the Vice Chancellor – Business Services. In the absence of the Vice Chancellor – Business Services, the Executive Director – Fiscal Services is authorized to make such determination.

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

- 1) Purchases shall only be for goods and certain services as defined by the District's "Procurement Card Rules and Procedures" lawful to be purchased for District purposes.
- 2) Purchases shall only be from retail commercial outlets, vendors, and contractors legally authorized to conduct business with the District.
- 3) 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.
- 4) 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 Rules and Procedures"².
- 5) All transactions entered into by the employee pursuant to this delegation may be subject to audits and investigations.
- 6) 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.
- 7) This delegation of authority shall take effect upon its adoption and shall be valid for five years through September 12, 2027 unless earlier amended by the Board.

(This Resolution replaces previous Resolution No. 2018-16)

¹ EDC 81656: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81656&lawCode=EDC

² Procard: <http://business.fhda.edu/policies-and-procedures/e-procard-policies-and-procedures.html>

RESOLUTION NO. 2022-27
Delegation of Authority for Purchase of Perishable Commodities

Pursuant to Education Code §70902(d)¹ 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:

<u>That person employed in the position of:</u>	<u>\$ Limit</u>
De Anza College	\$15,000
– VP of Administrative Services – College Operations	(per purchase)
– Director – Campus 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:

- 1) All such purchases shall be evidenced by a written agreement.
- 2) All such purchases shall be consistent with the Board's philosophy that the College Food Services be operated as a profit center.
- 3) 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.
- 4) This delegation of authority shall take effect upon its adoption and shall be valid for five years through September 12, 2027 unless earlier amended by the Board.

(This Resolution replaces previous Resolution No. 2018-18)

¹ EDC 70902: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=70902.&lawCode=EDC

RESOLUTION NO. 2022-28
Delegation of Authority to enter into contracts on behalf of the Governing Board

Pursuant to Education Code §81655¹ 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
- 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:

- 1) This delegation of authority shall not be used as authority to purchase supplies, materials, apparatus, equipment and services pursuant to Public Contract Code §20651² that are within the scope of any other delegation made by this Board pursuant to Education Code §81656³.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) This delegation of authority shall take effect upon its adoption and shall be valid for five years through September 12, 2027 unless earlier amended by the Board.

(This Resolution replaces previous Resolution No. 2018-19)

¹ EDC 81655: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81655&lawCode=EDC

² PCC §20651: <http://purchasing.fhda.edu/bid-threshold/index.html>

³ EDC 81656: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81656&lawCode=EDC

RESOLUTION NO. 2022-29
Delegation of Authority for Approval of Expenditures – Student Organization Funds

Whereas Education Code §76063¹ requires that the funds of student organizations be expended subject to the approval of three persons: 1) employee or official of the District designated by the Board, 2) certificated employee who is the designated adviser of the study body organization, and 3) a representative of the particular student body organization.

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

That person employed in the position of:	<u>\$ Limit</u>
Foothill College:	
– Vice President – Student Services	\$5,000
– Dean – Student Affairs & Activities	
De Anza College:	
– Vice President – Student Services	\$5,000
– Director – College Fiscal Services	
– Dean – EOPS/Care & Student Development	

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:

- 1) All such District purchases shall be consistent with board policy and administrative procedure.
- 2) All such District purchases shall be evidenced by a written agreement.
- 3) 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.
- 4) This delegation of authority shall take effect upon its adoption and shall be valid for five years through September 12, 2027 unless earlier amended by the Board.

(This Resolution replaces previous Resolution No. 2018-20)

¹ EDC 76063: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=76063.&lawCode=EDC
Delegation of Authority – Resolutions 2022-25 through 2022-29

Resolutions Nos. 2022-25 through 2022-29

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSTENTIONS:	<u>0</u>
ABSENT:	<u>0</u>

Passed and adopted by the governing board of the Foothill-De Anza Community College District at the regular meeting held September 12, 2022.



Judy C. Miner, Ed.D.
Secretary to the Board of Trustees






22. Delegation of Contracting Authority Resolutions | Board Approved 09/12/2022

Final Audit Report

2022-09-15

Created:	2022-09-14
By:	Carla Maitland (maitlandcarla@fhda.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAATeVTStTcR33BaXpyeyOZJplNM10pOKpR

"22. Delegation of Contracting Authority Resolutions | Board Approved 09/12/2022" History

-  Document created by Carla Maitland (maitlandcarla@fhda.edu)
2022-09-14 - 3:26:21 AM GMT- IP address: 108.64.225.225
-  Document emailed to Judy Miner (minerjudy@fhda.edu) for signature
2022-09-14 - 3:28:10 AM GMT
-  Email viewed by Judy Miner (minerjudy@fhda.edu)
2022-09-14 - 5:01:48 AM GMT- IP address: 104.28.124.101
-  Document e-signed by Judy Miner (minerjudy@fhda.edu)
Signature Date: 2022-09-15 - 12:13:14 PM GMT - Time Source: server- IP address: 50.225.197.232
-  Agreement completed.
2022-09-15 - 12:13:14 PM GMT