

CHAPTER 8: Business Operations
BOARD POLICY NO. 8.02 (BP 6100 and 6340)

BOARD POLICY
San Mateo County Community College District

Subject: BP 8.02 Delegation of Authority
Revision Date: 3/11; xx/xx
Policy References: Education Code Sections 70902(d), 81655, 81656; Public Contract Code Sections 20651, 20656

The Board delegates to the Chancellor the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

In accordance with the Education Code and established Board policies, the Chancellor may delegate to authorized personnel of the District powers and duties entrusted to him/her by the Board. The Chancellor shall be responsible to the Board for the execution of such delegated powers and duties. Subject to established administrative procedures, the Presidents of the Colleges are responsible to the Chancellor for the development of all aspects of the educational and student services program at their Colleges and for the administration and operations of the Colleges.

Whereas the California Education Code, Public Contract Code and Government Code include a number of provisions governing contracts and the delegation of authority as prescribed by those provisions, it is the express policy of the Board of Trustees that those codes are to be followed when addressing the contractual needs of the District. The following policies of the Board of Trustees are to address specific delegation requirements necessary to conduct efficiently the business of the District.

1. **Contracts:** Pursuant to Education Code §81655 the Board delegates to the Chancellor and the **Deputy Chancellor and** Executive Vice Chancellor, or their designees, the power to enter into contracts on behalf of the Board of Trustees for work or services in amounts not to exceed the amount specified in Public Contracts Code Section 20651, provided expenditures are within the Board-approved budget for the District. This delegation shall not be used as authority to enter into any contract that is subject to the competitive bid requirements of the Education and Public Contract Code. Any contract entered into pursuant to this delegation shall be in writing and in a form reviewed and approved by either the Chancellor or **Deputy Chancellor or** Executive Vice Chancellor. No contract made pursuant to this delegation and authorization shall be valid or constitute an enforceable obligation against the District unless and until the same has been approved or ratified by the Board, said approval to be evidenced by a motion passed and adopted.
2. **Purchasing:** Pursuant to Education Code §81656 the Board delegates to the Chancellor and the **Deputy Chancellor and** Executive Vice Chancellor, or their designees, the authority to purchase supplies, materials, apparatus, equipment and services in an amount not to exceed the limits pursuant to section 20651 of the Public Contract Code, provided the expenditure is within the Board- approved budget for the District. Purchases shall be made in accordance with applicable Education and Public Contract Code, District purchasing and administrative procedures. All transactions entered into with the authority delegated shall be reviewed by the Board of Trustees as part of the warrants report.

BP 8.02 Delegation of Authority (continued)

3. Public Works Projects: Pursuant to Education Code §81656 the Board delegates to the Chancellor and the Executive Vice Chancellor, or their designees, the authority to contract for Public Works Projects defined as construction projects, maintenance repairs and remodeling of existing facilities in an amount not to exceed the limits pursuant to §20651 of the Public Contract Code, provided the expenditure is within the Board-approved budget for the District. Purchases shall be made in accordance with applicable Education and Public Contract Code, District purchasing and administrative procedures. All transactions entered into with the authority delegated shall be reviewed by the Board of Trustees as part of the warrants report.
4. Purchase of Books: Pursuant to Education Code §70902(d) the Board delegates to the Chancellor and the Executive Vice Chancellor, or their designees, the authority to purchase any 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, and all perishable foodstuffs and seasonal commodities needed in the operation of District food services, provided the expenditure is within the Board-approved budget for the District. Purchases shall be made in accordance with applicable Education and Public Contract Code, District purchasing and administrative procedures. All transactions entered into with the authority delegated shall be reviewed by the Board of Trustees as part of the warrants report.
5. Procurement Card: Pursuant to Education Code §81656 the Board delegates to the 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. The Board further delegates to the Chancellor and the Executive Vice Chancellor authority to grant District procurement card privileges to certain agents of the District.

District officers, employees, and agents of the District to whom a procurement card has been issued shall be subject to the procedural, transaction, and monetary limits and restrictions set forth by the Chancellor-Superintendent in the issuance of the card.

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 District current "Procurement Card Policies and Procedures" that is incorporated by this reference.
- e. All transactions entered into with the authority delegated shall be reviewed by the Board of Trustees as part of the warrants report.
- 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

BP 8.02 Delegation of Authority (continued)

purposes of this delegation, malfeasance shall include any use of the card beyond the limits set forth herein.

6. Change Orders: The Chancellor and the Executive Vice Chancellor are each authorized to execute change orders which, individually or cumulatively, change the cost of a construction project in amounts not exceeding the greater of that specified in Public Contract Code §20651 or §20656, whichever is applicable to the original contract, or ten percent (10%) of the original contract amount. The Board shall review all change orders executed pursuant to this delegation and authorization as part of the warrants report or as part of the construction review and reporting process.
7. Notice of Completion and Acceptance of Work: The Chancellor and the Executive Vice Chancellor, or their designees, are delegated the authority to execute and file a “Notice of Completion and Acceptance of Work” on behalf of the San Mateo County Community College District. Such notices shall be reported semiannually to the Board for information.
8. Claims against the District: The Chancellor and the Executive Vice Chancellor, or their designees, are each empowered on behalf of the District to give written notice, as required by the Government Code, to persons filing untimely or insufficient claims against the District. Further, the Chancellor and the Executive Vice Chancellor, or their designees, are each empowered on behalf of the District to settle claims against the District that do not exceed \$25,000.
9. Rentals/Use Permits: The Chancellor and Executive Vice Chancellor, or their designees, are each empowered to execute appropriate documents for the use or rental of District facilities, equipment and materials by individuals, organizations and entities if the facility is less than a whole building and the use period is for a period of one year or less.
10. Contract/Community Education: The Chancellor and the Executive Vice Chancellor, or their designees, are each empowered to enter into contracts on behalf of the District for Contract Education and Community Services Classes. An information report on such contracts and community education activities will be presented to the Board annually.
11. Application/Acceptance of Grant Funds: The Chancellor-Superintendent and the Executive Vice Chancellor, or their designees, are each empowered to approve submission of applications for external grant and donor funds. They are empowered to accept external funds for all renewal projects and for programs and services that currently exist within the District and require an in-kind match only or a dollar match of \$50,000 or less. All applications for external funds will include application for direct, direct support and indirect costs associated with the grant program as might be permitted by the granting entity. A report on funds accepted will be made semi-annually to the Board.
12. Surplus Equipment: Following Board action to declare equipment surplus, the Chancellor and the Executive Vice Chancellor, or their designees, are each empowered to dispose of surplus equipment in compliance with applicable law and regulations.