Agenda Item 2f

METROPOLITAN
TRANSPORTATION
COMMISSION

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# *Memorandum*

TO: Administration Committee

DATE: April 3, 2013

FR: Executive Director

W. I. 1229

RE: Resolution No. 3619, Revised – Delegation of Contracting Authority to Executive Director and Deputy Executive Directors

This memorandum requests that the Administration Committee forward to the Commission for approval, changes to Resolution No. 3619, Revised, extending the signature authority of the Executive Director for emergency contracts to the Deputy Executive Directors and the MTC Emergency Operations Center (EOC) Director, as described below.

**Background**:
Resolution No. 3619, Revised, delegates authority to sign contracts to the Executive Director, and the Deputy Executor Directors under specific circumstances. Currently, only the Executive Director may authorize "emergency" expenditures, with the approval of the MTC Chair or Vice Chair. An "Emergency" contract is defined as a contract necessary to deal with Acts of God or other threats to public safety or well-being when the delay caused by waiting for the next Committee or Commission would increase that threat. Under the current delegation, any emergency contract or purchase order in excess of $100,000 authorized by the Executive Director shall be ratified by the appropriate authorizing Committee or Commission at the next regular meeting.

Recognizing that the Executive Director may not be available when emergency situations arise, staff proposes to expand the delegation to include Deputy Executive Directors for contracts up to $100,000. Under circumstances to be specified in MTC's Emergency Operations Plan, and when the MTC EOC has been activated to address the emergency, the MTC Deputy Executive Director will be able to authorize emergency response expenditures up to $100,000 cumulatively with the approval of the MTC Chair or Vice Chair. This delegation of signature authority will enhance the region's capability to implement recommended emergency response activities.

**Recommendation**:
Staff is requesting that this Committee forward to the Commission for approval Resolution No. 3619, Revised, augmenting the signature authority of the Deputy Executive Directors in the case of emergency contracts, and limiting the authority to $100,000 or less.

Steve Heminger

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|---|---|
| Date: | March 24, 2004 |
| W.I.: | 1150 |
| Referred by: | Administration |
| Revised: | 04/25/07-C |
| | 06/23/10-C |
| | 04/24/13-C |


ABSTRACT

Resolution No. 3619, Revised

Resolution No. 1101 delegated signature authority to the Executive Director of the Commission, Deputy Executive Director, or a designee of the Executive Director, to enter into certain specific contracts and funding agreements without Administration Committee approval.

This resolution revises the signature authority delegated to the Executive Director by the Commission, or to the Deputy Director if authorized by the Executive Director, to enter into certain specified contracts and funding agreements without Administration Committee approval.

Resolution No. 1101 is superseded.

Attachment A of this resolution was revised on April 25, 2007 to delegate signature authority to the Executive Director of the Commission or to the Deputy Director or other designee, if authorized by the Executive Director, to execute contract amendments that in total do not exceed the dollar value of a contract allotment approved by the Commission. In addition, clarifying changes were made to this resolution to reflect MTC's current staffing organization and Committee structure.

Attachment A of this resolution was revised on June 23, 2010 to modify and clarify the delegation of signature authority.

Attachment A of this resolution was revised on April 24, 2013 to augment the signature authority of the Executive Director and the Deputy Executive Director in relation to emergency expenditures, as defined in Attachment A.6.

Date: March 24, 2004
W.I.: 1150
Referred by: Administration

RE: Delegation of Contracting Authority, without Administration Committee approval, to the Executive Director of the Commission, a Deputy Director, or a designee of the Executive Director

METROPOLITAN TRANSPORTATION COMMISSION

Resolution No. 3619

WHEREAS, the Metropolitan Transportation Commission (Commission) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code § 66500 *et seq.*; and

WHEREAS, pursuant to Government Code § 66505, the Commission has appointed an Executive Director who, subject to the direction of the Commission, has charge of administering the affairs of the Commission; and

WHEREAS, pursuant to the Executive Director's duties in administering the affairs of the Commission, the Executive Director, among other things, enters into contracts and purchase orders for goods and services necessary to carry out the statutory purposes of the Commission and funding agreements with other public agencies for the distribution and receipt of funds; and

WHEREAS, funds for such purchase orders, contracts and funding agreements are programmed by the Commission with the adoption of the annual Overall Work Program (OWP) and annual budget for each fiscal year and are approved via appropriate committee(s) of the Commission; and

WHEREAS, in order to efficiently administer such purchase orders, contracts and funding agreements, the Commission authorized the Executive Director, pursuant to MTC Resolution No. 1101, to execute certain agreements without prior approval by the Administration Committee; and

WHEREAS, the Commission wishes to modify MTC Resolution No. 1101; now, therefore, be it

RESOLVED, that the Executive Director, or the Deputy Director, or a designee of the Executive Director, is hereby authorized and directed to sign purchase orders, contract documents and funding agreements, as indicated on Attachment A; and, be it further

RESOLVED, that any action taken by the Executive Director (or the Deputy Director or designee, as applicable), shall be reported to the Administration Committee as part of the monthly financial reporting procedure; and, be it further

RESOLVED, that Commission Resolution No. 1101 is superseded with the adoption of this resolution.

METROPOLITAN TRANSPORTATION COMMISSION

/s/_____
Steve Kinsey, Chair

The above resolution was entered
into by the Metropolitan Transportation
Commission at a regular meeting
of the Commission held in Oakland,
California, on March 24, 2004.

Date: March 24, 2004
W.I.: 1150
Referred by: Administration
Revised: 04/25/07-C
06/23/10-C
04/24/13-C



1. References to "contracts" in this Attachment refer also to "purchase orders".

2. The Executive Director or a designated Deputy Executive Director is hereby authorized to sign contracts and/or amendments to contracts totaling $100,000, without referral to a standing Committee of the Commission with contract approval authority, provided the things to be purchased or the work to be done are included in the annual Overall Work Program and/or the annual budget approved by the Commission. This delegated authority is renewed for any single contract each time the appropriate Committee approves a new total contract amount.

3. The Executive Director may authorize MTC Section Directors to sign contracts and/or amendments to such contracts with a total contract value up to $25,000 cumulatively.

4. Where a Commission Committee with contract approval authority has approved a contract allotment in addition to the original contract amount to cover changes that may be required during the performance period, the Executive Director or a designated Deputy Executive Director is authorized to sign change orders and contract amendments that in total do not exceed the approved contract allotment, without further referral to the appropriate authorizing Committee.

5. The Executive Director~~,~~ or designated Deputy Executive Director is authorized to sign funding agreements and amendments to funding agreements included in the annual Overall Work Program and/or the annual budget approved by the Commission authorizing MTC to receive funds from other public agencies and to distribute funds to other public agencies without referral to the appropriate authorizing Committee and without regard to dollar amount, provided, with respect to distribution of funds, that the recipients are named in the Overall Work Program or annual agency budget or by action of another Committee of the Commission. Funding agreements distributing funds to recipients not so named are subject to

the delegation authority for contracts and amendments in paragraphs one, two and three of this Attachment.

6. The Executive Director and a Deputy Executive Director is hereby authorized to waive competitive procurement requirements for emergency contracts and/or purchase orders, with the approval of the Commission Chair, or in his/her absence, the Vice Chair, provided that: (i) funds for the contract or purchase order are available in the adopted agency budget; and (ii) each emergency contract or purchase order may not exceed $100,000. "Emergency" contract is defined as a contract necessary to deal with Acts of God or other threats to public safety or well-being when the delay caused by waiting for the next meeting of the Committee or Commission would increase that threat. Any contract or purchase order in excess of $100,000 shall be ratified by the appropriate authorizing Committee or Commission at the next regular meeting.