

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

FACILITIES SERVICES

BERKELEY, CALIFORNIA 94720-1528

February 2, 2004

Helen Levay
Manager – Real Estate Services

RE: **Delegation of Authority 1058 – Execution of Agreements**

Effective immediately, I am redelegating to you in your position as Manager – Real Estate Services for Facilities Services the authority for *Execution of Agreements* that are required with outside organizations in connection with the filming program. Attached is the redelegation letter from Chancellor Berdahl and a copy of DA 1058.

Please contact Cindy Major in the Chancellor's Communications and Resource Center at 642-3115 or via email at cmajor@berkeley.edu with any concerns you may have regarding this delegation of authority.

Edward J. Denton, A.I.A.
Vice Chancellor – Facilities Services

Attachments (2)

cc: Senior VP – Business and Finance Joseph Mullinix w/o attaches
General Counsel James Holst w/o attaches
Secretary Leigh Trivette w/o attaches
Special Assistant Jeanne Gardner w/o attaches
Associate Chancellor John Cummins w/o attaches
Manager Susan Combs w/o attaches ✓
Administrative Specialist Cindy Major w/o attaches

cc: Senior VP-Business and Finance, Joseph Mullinix
General Counsel James Holst
Secretary of the Regents, Leigh Trivette
Special Assistant-Coordination and Review, J. Gardner
Associate Chancellor John Cummins
Manager Susan Combs

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OFFICE OF THE CHANCELLOR
200 CALIFORNIA HALL #1500

BERKELEY, CA 94720-1500

DA 1058

January 27, 2004

VICE CHANCELLOR - FACILITIES SERVICES
Edward Denton

Re: Delegation of Authority 1058 - *Execution of Agreements*

In accordance with the authority delegated to Chancellors by President Gardner on December 30, 1991, I am redelegating to you in your position as the Vice Chancellor - Facilities Services, the authority for *Execution of Agreements* that are required with outside organizations in connection with the filming program.

Within the scope of this redelegation, you are authorized to negotiate and execute all such agreements except those which contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd)(1) and 100.4(dd)(9) or require approval of The Regents because of specific Regental policy; or require approval by the President pursuant to specific memoranda issued from time to time. Other conditions as stated in President Gardner's letter apply, but are not reiterated in this letter.

Please contact Cindy Major in the Chancellor's Communications and Resource Center at 642-3115 or via email at cmajor@berkeley.edu with any concerns you may have regarding this delegation of authority.

Robert M. Berdahl
Chancellor

Attachments

DA 1058 36

DELEGATION OF AUTHORITY

Title: Execution of Agreements

Authority Delegated to: Chancellors
Vice President--Agriculture and
University Services
Executive Assistant to the President

Source of Delegation: Saxon letter of 4/25/80

Effective Date of Delegation: 4/25/80

Delegation

Delegates authority* as it pertains to the execution of the various agreements required with outside organizations, agencies, and individuals to implement approved programs and activities, whether the University is the supplier or recipient of the service or goods covered by the agreement, subject to specified limitations. Redlegation should be limited to appropriate levels of authority.

*Standing Order 100.4(cc).

Supersedes multiple earlier delegations concerning execution of agreements, as specified in delegation.



DAVID PIERPONT GARDNER
President

OFFICE OF THE PRESIDENT
300 LAKESIDE DRIVE
OAKLAND, CALIFORNIA 94612-3550

December 30, 1991

CHANCELLORS
SENIOR VICE PRESIDENT--ADMINISTRATION
VICE PRESIDENT--AGRICULTURE AND NATURAL RESOURCES

Delegation of Authority--Execution of Agreements

The authority granted to the President under Section 100.4(dd) of the Standing Orders of The Regents is delegated to you, within your areas of jurisdiction, as it pertains to the execution of the various service agreements required with outside organizations, agencies, and individuals to implement approved programs and activities, whether the University is the supplier or recipient of the service covered by the agreement. Within the scope of this delegation, you are authorized to negotiate and execute all such agreements except those which contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd); or require approval of The Regents because of specific Regental policy; or require approval by the President pursuant to specific memoranda issued from time to time. Notwithstanding Standing Order 100.4(dd)(10), you may execute State of California Standard Agreements (Form STD 2) which include an indemnity clause under which the University assumes liability for the conduct of persons other than University personnel.

This delegation is not to be used for transactions which are covered under those authorities delegated in the August 8, 1985 delegation concerning the execution of purchase contracts, sub-contracts, and standard purchase orders for goods and services to be supplied to the University (DA 0878); the December 21, 1987 delegation concerning real property rental agreements (leases) (DA 0951); the March 29, 1988 delegation to solicit and accept or execute certain extramural grants and contracts (DA 0957); the December 8, 1986 delegation concerning affiliation agreements with other institutions or hospitals (DA 0916); the March 24, 1986 delegation to solicit and accept gifts (DA 0894); and those delegations established in Business and Finance Bulletins such as BUS 34, Securing the Services of Independent Consultants, or in University policies such as the University of California Patent Policy or the University Copyright Policy.

This delegation to negotiate and execute service agreements includes, but is not limited to, the following types of agreements:

each be increased annually by a percentage equal to the percentage increase in the National Consumer Price Index for all Urban Consumers (CPI-U all items) for the preceding year, said increase to be reported annually to the Committee on Finance.


- (dd) Except as otherwise specifically provided in the Bylaws and Standing Orders, the President is authorized to execute on behalf of the Corporation all contracts and other documents necessary in the exercise of the President's duties, including documents to solicit and accept pledges, gifts, and grants, except that specific authorization by resolution of the Board shall be required for documents which involve or which are:
- ▷ 1. Exceptions to approved University programs and policies or obligations on the part of the University to expenditures or costs for which there is no established fund source or which require the construction of facilities not previously approved.
 - 2. Renewal or modification of prime contracts with the Department of Energy for the operation of the Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.
 - 3. Loans of funds of the Corporation, other than loans from established student, faculty, and staff loan funds.
 - 4. Agreements for the provision of employee group insurance benefits, with the understanding that Board authorization shall not be required for periodic revisions to existing agreements when the revisions do not substantially change the authorized scope of the benefit plans.
 - 5. Affiliation agreements with other institutions or hospitals involving direct financial obligations or commitments to programs not previously approved.
 - 6. Agreements with associations composed of medical staff for collection of professional fees for services rendered to patients at University or affiliated teaching hospitals.
 - 7. Applications for new licenses to the Federal Communications Commission for authority to operate radio or television broadcast equipment.
 - 8. Construction contracts in excess of appropriated funds.
- ▷ 9. Agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests. This restriction does not apply to agreements under which the University assumes responsibility for the condition of property in its custody.
- (ee) Anything contained in subsection (dd) above to the contrary notwithstanding, the President is authorized to take all actions and to execute all documents necessary in the exercise of the President's duties when an emergency precludes prior submission to the Board, provided that in all such cases the President shall report such actions to the Board, through an appropriate Standing Committee, at its next regular meeting.
- (ff) The President is authorized to negotiate the sale, purchase, receipt by gift, or lease of real properties which are used, held, or to be acquired for campus-related purposes, and to administer all such properties, which are defined as properties within the boundaries of a campus of the University and other properties used, held, or to be acquired for student and employee housing, parking, athletic programs, research, public service, educational programs, or administrative staff purposes of the University.

- Agreements for concerts, lectures, rental of films, and various theatrical or musical productions.
- Agreements with California schools and/or school districts for teacher training programs.
- Agreements with outside agencies covering the use of facilities and instructors for regular University courses.
- Memoranda of Understanding with counties of the State of California to conduct Cooperative Extension Service educational programs.
- Agreements with outside organizations for employee development assignments.
- Agreements with nonprofit agencies for employment of students under the Work-Study Program.
- Agreements for student health insurance coverage.
- Intercollegiate athletic agreements (except coaching contracts).

All agreements under this delegation must be executed in accordance with the applicable University policies and procedures governing the particular transaction, including, but not limited to, Business and Finance Bulletins, University policies, and relevant guidelines issued by the appropriate functional areas within the Office of the President. All agreements must be approved as to legal form by the General Counsel prior to execution unless previously approved by that office and issued without revision.

The authority provided by this delegation is broad and should be exercised with discretion. Therefore, redelegation should be limited to appropriate levels of authority. Any redelegation shall be in writing with a copy to the appropriate Vice President, the Special Assistant--Coordination & Review, the General Counsel of The Regents, and the Secretary of The Regents.

This delegation is effective immediately and supersedes President Saxon's April 25, 1980 delegation to Chancellors, the Vice President--Agriculture and University Services, the Executive Assistant to the President, and the Vice President--Financial and Business Management on the same subject (DA 0668).


David Pierpont Gardner

cc: Laboratory Directors
Members, President's Cabinet
University Controller
Special Assistant--Coordination & Review
Principal Officers of The Regents

DA 1058

December 30, 1991

**CHANCELLORS
SENIOR VICE PRESIDENT--ADMINISTRATION
VICE PRESIDENT--AGRICULTURE AND NATURAL RESOURCES**

Delegation of Authority--Execution of Agreements

The authority granted to the President under Section 100.4(dd) of the Standing Orders of The Regents is delegated to you, within your areas of jurisdiction, as it pertains to the execution of the various service agreements required with outside organizations, agencies, and individuals to implement approved programs and activities, whether the University is the supplier or recipient of the service covered by the agreement. Within the scope of this delegation, you are authorized to negotiate and execute all such agreements except those which contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd), or require approval of The Regents because of specific Regental policy, or require approval by the President pursuant to specific memoranda issued from time to time. Notwithstanding Standing Order 100.4(dd)(10), you may execute State of California Standard Agreements (Form STD 2¹) which include an indemnity clause under which the University assumes liability for the conduct of persons other than University personnel.

This delegation is not to be used for transactions which are covered under those authorities delegated in the August 8, 1985, delegation concerning the execution of purchase contracts, subcontracts, and standard purchase orders for goods and services to be supplied to the University (DA 0878); the December 21, 1987, delegation concerning real property rental agreements (leases) (DA 0951); the March 29, 1988, delegation to solicit and accept or execute certain extramural grants and contracts (DA 0957); the December 8, 1986, delegation concerning affiliation agreements with other institutions or hospitals (DA 0916); the March 24, 1986, delegation to solicit and accept gifts (DA 0894); and those delegations established in Business and Finance Bulletins such as BUS-34, Securing the Services of Independent Consultants, or in University policies such as the University of California patent policy or the University copyright policy.

This delegation to negotiate and execute service agreements includes, but is not limited to, the following types of agreements:

- Agreements for concerts, lectures, rental of films, and various theatrical or musical productions.
- Agreements with California schools and/or school districts for teacher training programs.
- Agreements with outside agencies covering the use of facilities and instructors for regular University courses.
- Memoranda of Understanding with counties of the state of California to conduct Cooperative Extension Service educational programs.
- Agreements with outside organizations for employee development assignments.
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- Agreements for student health insurance coverage.
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The authority provided by this delegation is broad and should be exercised with discretion. Therefore, redelegation should be limited to appropriate levels of authority. Any redelegation shall be in writing, with a copy to the appropriate Vice President, the Special Assistant--Coordination & Review, the General Counsel of The Regents, and the Secretary of The Regents.

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David Pierpont Gardner

cc: Laboratory Directors
Members, President's Cabinet
University Controller
Special Assistant--Coordination & Review
Principal Officers of The Regents

¹ Form STD 2 is no longer in use.