

# UNIVERSITY OF CALIFORNIA, BERKELEY



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ROBERT J. BIRGENEAU  
Chancellor  
Professor of Physics  
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June 26, 2009

DA 2225

VICE CHANCELLOR for RESEARCH

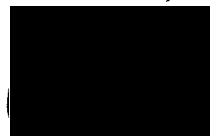
RE: Delegation of Authority 2225 – To Solicit Federal Grant Funding under the American Recovery and Reinvestment Act of 2009

Effective immediately, I am redelegating DA 2225 – Authority to Solicit Federal Grant Funding under the American Recovery and Reinvestment Act of 2009 to the Vice Chancellor for Research. You are authorized to solicit facility grant funding under the American Recovery and Reinvestment Act (ARRA) for projects that fall within the President's authority according to the Interim action (copy attached). This authority does not include the authorization to accept ARRA funds. Any existing delegations to the contrary are suspended for the purposes of soliciting facility grant funding under the ARRA. This authority may not be redelegated.

Please contact Campus Delegations of Authority Coordinator Cindy Major, @ 2-3115 or [cmajor@berkeley.edu](mailto:cmajor@berkeley.edu) with any concerns you may have regarding this delegation of authority.

With warm regards.

Yours sincerely,



Robert J. Birgeneau

cc: Universitywide Policy Coordinator N. Capell  
Associate Chancellor B. FitzPatrick  
Director – Audit and Advisory Services W. Riley  
Campus Delegations Coordinator C. Major



1111 Franklin Street  
Oakland, CA 94607-5200  
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June 16, 2009

## CHANCELLORS

### Delegation of Authority to Solicit Federal Grant Funding under the American Recovery and Reinvestment Act of 2009

Standing Order of the Regents 100.4 lists the authority delegated to the President by the Regents. Section (dd) states, in part:

\* \* \*

The President is authorized to execute...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.**" (Emphasis added)

\* \* \*

The Regents acted under Interim Authority on June 15, 2009, to delegate authority to the President to solicit Facility Grant Funding under the *American Recovery and Reinvestment Act of 2009* (ARRA). The delegated authority did not include the authorization to accept ARRA funds.

Effective immediately, I redelegate authority to you to solicit facility grant funding under the ARRA for projects that fall within the President's authority according to the Interim action (copy attached). Any existing delegations to the contrary are suspended for the purposes of soliciting facility grant funding under the ARRA.

This authority may be redelegated to a specific designee and may not be further redelegated. Any such redelegation shall be in writing, with a copy to the Universitywide Policy Office.

Mark G. Yudof /  
President

cc: Members, President's Cabinet  
Principal Officers of The Regents  
Universitywide Policy Office



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Oakland, CA 94607-5200  
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June 12, 2009

**CHAIR OF THE COMMITTEE ON GROUNDS AND BUILDINGS  
CHAIR OF THE COMMITTEE ON FINANCE  
PRESIDENT OF THE UNIVERSITY**

**ACTION UNDER INTERIM AUTHORITY—AUTHORIZATION TO SUBMIT  
APPLICATIONS FOR FACILITY GRANT FUNDING UNDER THE AMERICAN  
RECOVERY AND REINVESTMENT ACT OF 2009**

**EXECUTIVE SUMMARY**

Request that the Regents authorize the President to submit facility grant applications for funding made available from the *American Recovery and Reinvestment Act of 2009*. This delegation does not include the authorization to accept grant funds.

**RECOMMENDATION**

The President recommends that the Committee on Grounds and Buildings and the Committee on Finance authorize the President to solicit Facility Grant Funding under the *American Recovery and Reinvestment Act of 2009*. Approval of the individual capital projects that are the subject of the award, including financial feasibility for which the grant funding would be applied, would follow the standard University approval practices.

**BACKGROUND**

The *American Recovery and Reinvestment Act of 2009* (PL 111-5) provides grant funding to federal agencies to:

1. preserve and create jobs and promote economic recovery.
2. assist those most impacted by the recession.
3. provide investments needed to increase economic efficiency by spurring technological advances in science and health.
4. invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
5. stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

Jun 16 '09 09:23a Fred Ruiz

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In response to this important initiative, campuses are preparing applications for facilities grants from federal agencies using funding made available as part of the American Recovery and Reinvestment Act (ARRA).

Standing Order 100.4 (dd) states, in part: "...the President is authorized to execute...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." (Emphasis added)

The proposed action would authorize the President to solicit or apply for ARRA facility grant funds for projects that may be exceptions to current University programs or policies or that might involve construction of facilities not previously approved. The President, in turn, would delegate his authority to apply for these grants to the Chancellors. This delegation does not include authorization to accept grant funds. Soliciting ARRA grants funds for construction and renovation of capital projects does not irrevocably commit the University to proceed with a project should an award be offered. Prior to accepting such grant awards, approval of individual capital projects and grant awards must adhere to standard University and Regents' approval policies and procedures, including compliance with the *California Environmental Quality Act* or *National Environmental Policy Act*. To facilitate coordination of the University's efforts, campuses would submit a copy of the grant applications to the Office of the President.

Since the intent of the ARRA is to spur economic activity in a timely manner, some grant applications have deadlines before the next scheduled Regents' meeting in mid-July, necessitating this proposed action under interim authority.

Approved:



Vice Chair on behalf of Leslie Tang Schilling  
 Leslie Tang Schilling Date June 15, 2009  
 Chair of the Committee on Grounds and Buildings

Russell S. Gould Date \_\_\_\_\_  
 Chair of the Committee on Finance

Mark G. Yudof Date \_\_\_\_\_  
 President of the University

-2-

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Approved:

\_\_\_\_\_  
Leslie Tang Schilling Date  
Chair of the Committee on Grounds and Buildings

\_\_\_\_\_  
Russell S. Gould Date  
Chair of the Committee on Finance

6/15/09

\_\_\_\_\_  
Mark G. Yudof Date  
President of the University

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**Approved:**

Leslie Tang Schilling Date  
Chair of the Committee on Grounds and Buildings

Russell S. Gould  
Chair of the Committee on Finance

Mark G. Yudof  
President of the University

Date \_\_\_\_\_