

DA 2231



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January 6, 2014

VICE CHANCELLOR – REAL ESTATE

RE: Delegations of Authority held by the former Vice Chancellor – Facilities Services

This is to confirm that all Presidential delegations of authority formerly held by the Vice Chancellor – Facilities Services (listed below) are now delegated to the position of Vice Chancellor – Real Estate, effective January 11, 2014. Any re-delegations by the former Vice Chancellor – Facilities Services are to remain in force until such time as you rescind or reassign said delegations.

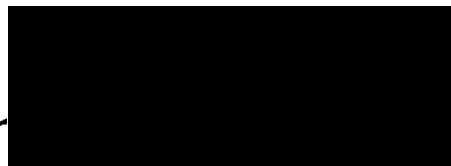
Delegation ID	Title / URL	Description/Comments	Re-delegated To
DA 606	Approve siting of individual buildings or projects http://policy.ucop.edu/files/da/da0606.html	Authority to approve the siting of individual buildings or projects, provided that their locations are generally in accordance with a long-range development plan previously approved in principle by the Board, and to approve the siting of individual buildings or projects on University properties, such as field stations or research stations, which may not be covered by approved long-range development plans.	Associate Vice Chancellor – Project Management (Currently Rob Gayle)

Delegation ID	Title / URL	Description/Comments	Re-delegated To
DA 693	Solicit and accept or execute extramural grants and contracts for construction of facilities http://policy.ucop.edu/files/da/da0693.html	These actions shall be in accordance with the Grants Procedures published in the Facilities Manual.	Associate Vice Chancellor – Project Management (Currently Rob Gayle)
DA 856	Enter into and execute agreements pertaining to purchase of utilities commodities and services http://policy.ucop.edu/files/da/da0856.html		No re-delegation on record
DA 1058	Execute agreements http://policy.ucop.edu/files/da/da1058.html	Delegation for filming program only	Assistant Vice Chancellor – Real Estate Services (Currently Robert Hatheway)
DA 2220	Agreements for Executive architects, executive landscape architects, and executive and consulting engineers http://policy.ucop.edu/files/da/da2220.pdf	Authority for projects with approved budgets with a total individual project cost not exceeding \$60,000,000, subject to design and design professional requirements set out in the University Facilities Manual.	Associate Vice Chancellor – Project Management (Currently Rob Gayle)
DA 2231	Authority to negotiate, approve and execute University-related real property rental agreements (leases) http://policy.ucop.edu/files/da/da2231.pdf	Risk Services must approve indemnification language	<ul style="list-style-type: none"> • Assistant Vice Chancellor – Real Estate Services: Lease duration 10 years, annual consideration not to exceed \$500,000 (Currently Robert Hatheway) • Manager – Real Estate Services: Lease duration 5 years, annual consideration not to exceed \$350,000 (Currently Helen Levay)
DA 2232	Authority to negotiate, approve and execute licenses for use of real property http://policy.ucop.edu/files/da/da2232.pdf	Risk Services must approve indemnification language	<ul style="list-style-type: none"> • Assistant Vice Chancellor – Real Estate Services: Lease duration 10 years, annual consideration not to exceed \$500,000 (Currently Robert Hatheway) • Manager – Real Estate Services: Lease duration 5 years, annual consideration not to exceed \$350,000 (Currently Helen Levay)

Delegation ID	Title / URL	Description/Comments	Re-delegated To
DA 2233	Authority to negotiate, approve and execute real property easements and rights of way http://policy.ucop.edu/files/da/da2233.pdf	Specific parameters set out in the delegation	<ul style="list-style-type: none"> Assistant Vice Chancellor – Real Estate Services (Currently Robert Hatheway) Manager – Real Estate Services (Currently Helen Levay)
DA 2564	Authority for bid solicitation and execution of construction contracts http://policy.ucop.edu/files/da/da2564.pdf	Restrictions set out in the delegation	<ul style="list-style-type: none"> Associate Vice Chancellor – Project Management (currently Rob Gayle) Director – Contracts Administration (currently Mike Cole) Contracts Manager: documents up to \$200,000 (Currently Theresa Cerney) Contracts Administrator: documents up to \$100,000 (Currently Martha Mendoza, David Hunsberger, Pam Sasagaw, Jennifer Aquino) Contracts Administrator: documents up to \$50,000 (Currently Donald King, Amanda Palmquist) Contracts Analyst: documents up to \$50,000 (Currently Catherine Dang)
DA 2574	Authority to approve amendments to the capital improvement program and make transfers of funds http://policy.ucop.edu/files/da/da2574.pdf	Minor capital improvement projects (total project cost not to exceed \$750,000) only	No re-delegation on record
DA 2575	Authority to approve project design http://policy.ucop.edu/files/da/da2575.pdf	Total project costs not to exceed \$10,000,000	No re-delegation on record
G-38	Tax Exemption and Refund Claim Filing for Property Leased by the University http://policy.ucop.edu/doc/3420352/BFB-G-38		No re-delegation on record

Any re-delegation of the above authorities must be in writing, with a copy to the Campus Delegations of Authority Coordinator. Please contact Campus DA Coordinator Janice Hing in the Office of Ethics, Risk and Compliance Services at 643-9318 or jhing@berkeley.edu with any concerns or changes you may have regarding these delegations of authority.

All Best,



Nicholas Dirks

cc: Vice Chancellor John Wilton
Chief Campus Counsel Chris Patti
Associate Chancellor Linda Williams
Chief Audit Executive Wanda Lynn Riley
Campus DA Coordinator Janice Hing

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September 18, 2009

DA 2231

VICE CHANCELLOR – FACILITIES SERVICES

RE: Delegation of Authority 2231 – *Negotiation, Approval and Execution of University-Related Real Property Rental Agreements (Leases)*

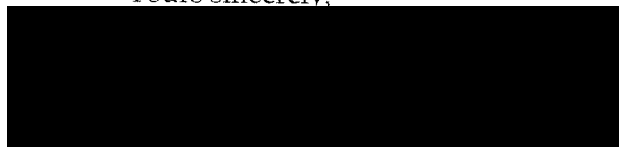
According to President Yudof's September 3, 2009 delegation to Chancellors, I am re delegating DA 2231 to the Vice Chancellor – Facilities Services. You are authorized to negotiate, and within particular parameters, to approve and to execute Rental Agreements (including subleases and excluding ground leases). Further parameters are specified in DA 2231, which is attached.

The authority provided by this delegation is broad and should be exercised with discretion. Any re delegation of authority shall be in writing with copies to the Vice President for Budget and Capital Resources, , the Associate Vice President – Capital Resources Management, the Universitywide Policy Office and the Campus Delegations Coordinator.

This delegation supersedes DA 2140 on the same subject which was issued on November 7, 2003 delegation to the Vice Chancellor – Facilities Services.

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

Yours sincerely,



Robert J. Birgeneau

Attachment

cc: Vice President for Budget and Capital Resources
Associate Vice President - Capital Resources Management
Coordinator—Universitywide Policies N. Capell
Associate Chancellor Beata FitzPatrick
Director W. Riley, Audit & Advisory Services
Campus Delegations Coordinator C. Major



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September 3, 2009

CHANCELLORS

**INTERIM DIRECTOR – LAWRENCE BERKELEY NATIONAL LABORATORY
VICE PRESIDENT – AGRICULTURE AND NATURAL RESOURCES**

Delegation of Authority – Negotiation, Approval, and Execution of University-Related Real Property Rental Agreements (Leases)

Standing Orders of The Regents 100.4 (cc) and (ff) authorize the President to negotiate, approve and execute contracts, real property rental agreements, and other documents for the use of facilities for University-related purposes (Rental Agreements).

Effective immediately, subject to the Standing Orders and to policies, procedures and guidelines which may be established by the Office of the President (including the UC Lease Administration Manual and applicable Business and Finance Bulletins), you are delegated authority to negotiate, and within the following parameters, to approve and to execute, Rental Agreements (including subleases and excluding ground leases) subject to the following limitations:

1. The term of the Rental Agreement does not exceed 10 years, regardless of rent amount, excluding options when the University is the lessee, but including options granted by the University as lessor;
2. The Rental Agreement (1) is on a University standard form without material modifications, or (2) consideration for the initial year does not exceed \$500,000, or (3) consideration for the initial year exceeds \$500,000 and the Rental Agreement form has been reviewed and approved by the Office of General Counsel (OGC);
3. The Rental Agreement is not a capital lease, or a lease-purchase or similar transaction by which the University will ultimately take title to the property;
4. The Rental Agreement does not involve the assumption by the University of liability for the conduct of persons other than University officers, agents, employees, students, invitees, and guests, except that this restriction does not apply if, under the Rental Agreement, the University assumes responsibility for liability resulting from the condition of leased property that the University is obliged to maintain [(Standing Order 100.4(dd)(9)] or as otherwise authorized by The Regents;
5. The indemnity and insurance provisions of the Rental Agreement have been approved by the campus risk manager;

6. The Office of the President Real Estate Services Group (RESG) and OGC must review and approve first right of offer or refusal or any purchase option language, if included in a Rental Agreement; and
7. The campus lease practitioner shall complete and retain in the official lease file the attached checklist for Rental Agreements prepared pursuant to this delegated authority ("Lease/License Checklist"). The campus lease practitioner shall also send a copy of each fully executed Lease/License Checklist to RESG.

In cases in which the University is the tenant, you are delegated authority to exercise any option to extend the term of a Rental Agreement (Extension Option), provided that the terms of the option conform to the conditions set forth in paragraphs 1 through 6, above. An Extension Option is deemed to be a new Rental Agreement for purposes of determining whether the term of the option falls within your delegated authority. Exercise of Extension Options shall be executed on a form of lease amendment or other document approved by the OGC. The exercise of options in Rental Agreements approved by The Regents shall be governed by the terms of that approval.

You are further delegated the authority to approve and execute ancillary documents, amendments or other modifications to a Rental Agreement consistent with the authority granted herein. Real property Rental Agreements, ancillary documents and amendments that do not meet the conditions set out in this delegation must be submitted for approval and execution in accordance with the Standing Orders of The Regents.

RESG and OGC are available to consult on real property rental agreement negotiation, documentation matters and capital lease evaluations. Each campus shall be the office of record for original executed Rental Agreements and amendments thereto executed pursuant to this delegation.

Annually, by July 31st, you shall certify and submit to RESG a report listing each Rental Agreement approved and executed pursuant to this delegated authority during the preceding fiscal year, including total leased space, total cost of leased space and average cost/square foot, and attest that all terms referenced in this delegation and the attached Lease/License Checklist have been satisfied.

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 Associate Vice President – Capital Resources Management.

This delegation supersedes Delegation of Authority 2140 issued on November 3, 2003 to Chancellors, Laboratory Directors, and the Vice President--Agriculture and Natural Resources on this same subject.


Mark G. Yudof
President

Attachment

cc: Members, President's Cabinet
Principal Officers of The Regents
General Counsel and Vice President for Legal Affairs
Vice President – Budget and Capital Resources
Associate Vice President – Capital Resources Management
Universitywide Policy Office

