

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

REAL ESTATE DIVISION
ROBERT J. LALANNE, VICE CHANCELLOR

BERKELEY, CALIFORNIA 94720-1528

DA 2232

April 17, 2015


Rajiv Parikh
Director, Real Estate Development and Portfolio

RE: **Delegation of Authority 2232** – *Negotiation, Approval and Execution of Licenses for Use of Real Property*

Effective immediately, I am re delegating to you in your position as Director, Real Estate Development and Portfolio, the authority to negotiate, to approve and to execute licenses of real property, including facilities use agreements within the parameters are stated in DA 2232, which is attached along with a copy of the re delegation letter from Chancellor Dirks.

This delegation is effective immediately and supersedes any other previous delegation.

Sincerely,


Robert J. Lalanne
Vice Chancellor-Real Estate

cc: Associate Chancellor Linda M. Williams
Director, Audit and Advisory Services Wanda Lynn Riley
Campus DA Coordinator, Janice Hing

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REAL ESTATE DIVISION
ROBERT J. LALANNE, VICE CHANCELLOR

BERKELEY, CALIFORNIA 94720-1528

February 17, 2015

see 4/17/15
revision

Rajiv Parikh
Director, Real Estate Development and Portfolio

RE: Delegation of Authority 2232 – *Negotiation, Approval and Execution of Licenses for Use of Real Property*

Effective immediately, I am re-delegating to you in your position as Director, Real Estate Development and Portfolio, the authority to negotiate, and within parameters, to approve and to execute licenses of real property, including facilities use agreements. Further parameters are specified in DA 2232, which is attached along with a copy of the redelegation letter from Chancellor Dirks, and are further limited to the following parameters:

- a. The License term does not exceed five years excluding options when UC is licensee and does not exceed ten years including options when UC is licensor;
- b. The base annual consideration does not exceed \$350,000 for the initial year, and the agreement must either be on (1) a University standard form license without material modification, or (2) a form license that has been reviewed and approved by the appropriate risk manager in the event it contains indemnity, waiver of subrogation, or insurance provisions, or (3) a form license that has been reviewed and approved by the Office of the President Real Estate Services Group (RESG) and the Office of General Counsel (OGC).

This delegation is effective immediately and supersedes any other previous delegation. This authority cannot be redelegated.

Sincerely,


Robert J. Lallanne
Vice Chancellor-Real Estate

Cc: Associate Chancellor Linda M. Williams
Director, Audit and Advisory Services/Assistant Vice Chancellor
Campus DA Coordinator, Janice Hing



1111 Franklin Street
Oakland, CA 94607-5200
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<http://www.ucop.edu>

September 3, 2009

CHANCELLORS

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

Delegation of Authority – Negotiation, Approval, and Execution of Licenses for Use of Real Property

Standing Orders of The Regents 100.4(ff) and (jj) authorize the President to negotiate the sale, purchase, and receipt by gift or lease of real properties for University-related purposes, and to approve and execute licenses, easements and rights of way with respect to real property held or acquired for University-related purposes.

Effective immediately, subject to the terms of these 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 execute licenses of real property including facilities use agreements and other forms of agreement that are equivalent to licenses of real property (except those licenses relating to real property held as an investment of the Corporation), when such agreements:

1. Involve: (i) real property that is or will be used for University-related purposes, or (ii) University-related real property to be used by others, and (iii) are limited in the length of term and consideration as follows:
 - a. the License term does not exceed ten years excluding options when UC is licensee but including options when UC is licensor;
 - b. the base annual consideration:
 - (i) does not exceed \$500,000 for the initial year, and
 - (ii) if the initial year consideration exceeds \$500,000, the agreement must either be on (1) a University standard form license without material modification, or (2) a form license that has been reviewed and approved by the appropriate risk manager in the event it contains indemnity, waiver of subrogation, or insurance provisions, or (3) a form license that has been reviewed and approved by the Office of the President Real Estate Services Group (RESG) and the Office of General Counsel (OGC); or
2. Are revocable on not more than 180 days' notice; and

3. Do not involve the assumption by the University of liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests, except that this restriction does not apply if under the agreement the University assumes responsibility for liability resulting from the condition of licensed property which the University is obliged to maintain [Standing Order 100.4(dd)(9)], or as otherwise authorized by The Regents.

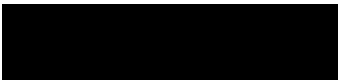
License agreements that do not meet these conditions must be submitted to the President or The Regents for approval and execution, in accordance with the Standing Orders of The Regents. The campus license practitioner shall complete and maintain in the official license file, the attached checklist for licenses prepared pursuant to this delegated authority ("Lease/License Checklist"). The RESG and OGC are available to consult on real property license agreement negotiation and documentation matters.

Each campus shall be the office of record for original executed licenses of real property, including facility use agreements, and amendments thereto executed pursuant to this delegation.

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

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 of authority to the Vice Chancellor level and above shall be in writing with copies provided to the Associate Vice President - Capital Resources Management.

This delegation supersedes Delegation of Authority 2118 on this same subject issued on April 5, 2000 to Chancellors, the Laboratory Directors, and the Vice President--Agriculture and Natural Resources.


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

LEASE/LICENSE CHECKLIST (Risk Mitigation and Policy Compliance)

All documentation relied upon to approve the transaction must be maintained in the campus project file. Authority to negotiate, approve and execute real estate related documents is subject to compliance with all UC policies and appropriate Delegations of Authority. Transaction authority and delegation links: http://www.ucop.edu/facil/resg/documents/authority_real_estate.pdf

CAMPUS: _____ USER DEPARTMENT/UNIT: _____

I. PREMISES/ADDRESS _____

II. THE REGENTS AS:
 Tenant Subtenant Licensee Other (specify) _____
 Landlord Sublandlord Licensor

A. Initial Term _____
 B. Option term(s) _____
 C. Initial year consideration ¹ _____

III. EVALUATION & AUTHORIZATION

A. FINANCIAL

1. Confirmation of budgetary authority to lease/license space³
2. Market evaluation/comparative property analysis prepared⁴
3. Screen for capital lease; if required, analysis completed/approved by RESG/OP⁵
4. Any first refusal right/purchase option reviewed & approved by RESG/OP & OGC
5. Property tax exemption requested⁶
6. Unrelated business income tax determination made and reported per BFB A-61.

B. PHYSICAL

1. Federal/state/local code compliance (as applicable) confirmed (Facilities Manual)
2. Due diligence inspections completed
 - a. Campus Fire Marshal review completed if applicable⁷
 - b. EH&S review completed consistent with Facilities Manual
 - c. ADA review completed consistent with Facilities Manual
3. Tenant Improvements (TIs):
 - a. TI plans and specifications reviewed and approved per campus guidelines
 - b. Fixed/determinable cost estimate prepared and within approved budget
 - c. For new buildings, detailed definition of shell space reviewed and accepted

C. UC POLICY

1. Seismic policy compliance determined consistent with Lease Manual⁸
2. Campus Risk Management approval of form of indemnity and insurance
3. Records retention requirements satisfied consistent with BFB RMP-2

D. LEGAL REQUIREMENT/REVIEW

1. If UC does TIs, Public Contract Code compliance confirmed per Facilities Manual
2. Lease/License on standard form or approved as to legal form by OGC as required⁹
3. CEQA compliance affirmed¹⁰

Check Done	Not Appl.	Date ² (mo/day/yr)
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_____ Certification of Campus Official (with delegated lease/license approval authority) Date _____

¹ The amount payable to the Lessor/Licensor including operating expenses and amortizing any landlord concessions as effective rent.
² The date on which the item has been determined in compliance (form completed as appropriate) or not applicable to this transaction.
³ Appropriate campus form/letter documenting internal approval and budget for user on file.
⁴ Market Comparison Analysis consistent with Lease Manual requirements on file.
⁵ Applicable analysis performed for transactions >= 15 yrs. with extensive Ties, or with favorable renewal or purchase options.
⁶ Request to acknowledge UC exemption as lessee/licensee filed with applicable County.
⁷ Premises and tenant improvements determined to conform to Campus Fire Marshal review (see Facilities Manual).
⁸ Seismic evaluation consistent with policy has been completed (see Lease Manual).
⁹ Required for any lease/license with annual consideration greater than \$500,000 in the initial year (as effective rent).
¹⁰ All appropriate CEQA documentation completed, approved and filed.



Nicholas B. Dirks
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 PROFESSOR OF HISTORY
 PROFESSOR OF ANTHROPOLOGY
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 510 642-7464
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 chancellor@berkeley.edu



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.

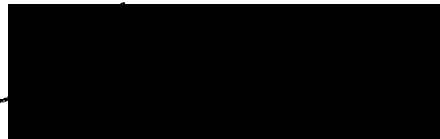
Delegation ID	Title / URL	Description/Comments	Re-delegated To
DA 606	Approve siting of individual buildings or projects http://policy.ucop.edu/files/da/da0606.html	Authority to approve the siting of individual buildings or projects, provided that their locations are generally in accordance with a long-range 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		Assistant Vice Chancellor – Physical Plant Campus Services (Currently Chris Christofferson)
DA 1058	Execute agreements http://policy.ucop.edu/files/da/da1058.html	Delegation for filming program only	Assistant Vice Chancellor – Real Estate Services (Currently ERC , Robert Hatheway) 2/17/15 R. P. 2/17/15
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) 2/17/15 R. P. 2/17/15 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) 2/17/15 R. P. 2/17/15 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) <i>2/17/15</i> 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	Associate Vice Chancellor – Project Management (currently Rob Gayle)
DA 2575	Authority to approve project design http://policy.ucop.edu/files/da/da2575.pdf	Total project costs not to exceed \$10,000,000	Associate Vice Chancellor – Project Management (currently Rob Gayle)
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,



Micholās 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