



**Nicholas B. Dirks**  
CHANCELLOR  
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May 13, 2016

VICE CHANCELLOR – REAL ESTATE

Re: **Delegation of Authority 2597 — Approval of Project Design**

Effective immediately, I am redelegating DA 2597 – *Approval of Project Design* to you as Vice Chancellor, Real Estate. You are authorized to approve the design for projects with a total individual project cost not exceeding \$10,000,000. Additional details of this authority are outlined in the attached April 19, 2016 letter from the Office of the President.

This delegation supersedes delegation of authority, DA 2575, issued on February 28, 2013 on this same subject. Any further redelegation of this authority must be in writing and may not exceed the authority you are given.

Please contact Campus Delegations of Authority Coordinator Laila DeBerry in the Office of Ethics, Risk and Compliance Services at 510-643-0233 or via email at [delegations@berkeley.edu](mailto:delegations@berkeley.edu) with any concerns or changes you may have with this delegation of authority.

Sincerely,



Nicholas Dirks

cc: Chris Patti, Chief Campus Counsel  
Wanda Lynn Riley, Chief Audit Executive  
Laila DeBerry, Campus DA Coordinator



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April 19, 2016

**CHANCELLORS  
DIRECTOR—LAWRENCE BERKELEY NATIONAL LABORATORY  
EXECUTIVE VICE PRESIDENT—CHIEF OPERATING OFFICER  
VICE PRESIDENT—AGRICULTURE AND NATURAL RESOURCES**

**Delegation of Authority – Approval of Project Design**

**Bylaws of The Regents 12.4 provide as follows:**

**12.4 Committee on Grounds and Buildings**

**\* \* \***

- b. Approve plans for improvements, direct the taking of bids, and recommend to the Board the award and execution of construction and equipment contracts, except as otherwise provided in the Standing Orders.**

**\* \* \***

**Standing Order of The Regents 100.4(z) provides as follows:**

**100.4 Duties of the President of the University**

**\* \* \***

- (z) The President is authorized to approve building plans and to solicit bids in connection with approved projects, except that the President shall not approve the design of such projects as the Board has specifically designated as requiring design approval by the Committee on Grounds and Buildings.**

**\* \* \***

***The Regents' Policy on Approval of Design, Long Range Development Plans, and the Administration of the California Environmental Quality Act, Policy 8102, provides in part:***

**\* \* \***

- (1) The Regents designate the following categories of projects as requiring design approval by the Committee on Grounds and Buildings:**
  - a. Building projects with a total project cost in excess of \$10,000,000, except when such projects consist of the following:**
    - i. alterations or remodeling where the exterior of the building is not materially changed;**

- ii. buildings or facilities located on agricultural, engineering, or other field stations; or
  - iii. agriculture-related buildings or facilities located in areas of a campus devoted to agricultural functions.
- b. Capital improvement projects of any construction cost when, in the judgment of the President, a project merits review and approval by The Regents because of budget matters, fundraising activities, environmental impacts, community concerns, or other reasons.
- (2). This paragraph shall apply exclusively to eligible capital projects for those campus entities approved by the Committee on Grounds and Buildings for inclusion in the pilot phase of the Delegated Process for Capital Projects. The President of the University is authorized to approve the project's design. This subparagraph shall become inoperative and is repealed on March 31, 2017, unless later Regents' action, that becomes effective on or before March 31, 2017, deletes or extends the date on which it becomes inoperative and is repealed.

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Authority to approve design for projects with costs not exceeding \$10,000,000: I delegate to Chancellors, the Director—Lawrence Berkeley National Laboratory, the Executive Vice President—Chief Operating Officer, and the Vice President—Agriculture and Natural Resources, in their respective areas of responsibility, the authority to approve the design for projects with a total project cost not exceeding \$10,000,000.<sup>1</sup> California Environmental Quality Act compliance remains a requirement for these and all capital projects.

Authority to approve design for projects eligible for the pilot phase of the Delegated Process for Capital Improvement Projects: For those campuses approved by the Committee on Grounds and Buildings for inclusion in the pilot phase of the Delegated Process for Capital Improvement Projects, effective immediately, the respective Chancellors are delegated the authority to approve the design for qualifying projects with a total project cost not exceeding \$70,000,000. A qualifying project is one that is eligible for and has been reviewed under the Delegated Process and has been found not to require elevation to The Regents for approval.<sup>2</sup> This authority shall not be redelegated and shall become inoperative and repealed on March 31, 2017 unless a Regents' action that becomes effective on or before March 31, 2017 deletes or extends the date on which it becomes inoperative and is repealed.

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<sup>1</sup> Total project cost shall be defined as all costs of the project including administrative, design, construction, interest accrued during construction where applicable, and equipment costs.

<sup>2</sup> Eligibility for the Delegated Process requires that the project demonstrates : consistency with the accepted *Ten-Year Capital Financial Plan*, the accepted *Physical Design Framework* and the approved *Long Range Development Plan*; compliance with CEQA and all applicable laws, regulations, and University and Regental policies; financial feasibility; and that no special circumstances exist that may merit review by the Regents.

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The foregoing delegations of authority are applicable to all projects on property owned by The Regents or on property that will be owned by The Regents upon completion of the project. This authority shall not extend to any project which the President believes merits review and approval by The Regents because of budget matters, fundraising activities, environmental impact, community concerns, or other reasons.

Exercise of this authority shall be in accordance with guidelines established by The Regents and the President, as they may be amended from time to time. These shall include and are not limited to the following reporting and accountability requirements: (a) *the Major Capital Projects Implementation Report*, reporting the adherence to plans and aggregated performance on specific metrics of Regental and Presidential interest; (b) a physical environment review, reviewing implementation of the Physical Design Framework through regular visits, and by a self-assessment survey of faculty, students, and staff; and (c) an audit, monitoring the factual validity of information reported throughout the process, along with Regental and Presidential policy compliance.

This delegation supersedes the February 28, 2013 delegation of authority to Chancellors, the Director—Lawrence Berkeley National Laboratory, the Executive Vice President—Business Operations, and the Vice President—Agriculture and Natural Resources (DA 2575).



Janet Napolitano  
President

cc: Division Leaders  
Associate Vice President—Capital Asset Strategies & Finance  
Universitywide Policy Office