



OFFICE OF THE PRESIDENT

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**CHANCELLORS
DIRECTOR–LAWRENCE BERKELEY NATIONAL LABORATORY
DIRECTOR–LAWRENCE LIVERMORE NATIONAL LABORATORY
VICE PRESIDENT–BUDGET
VICE PRESIDENT–AGRICULTURE AND NATURAL RESOURCES**

Delegation of Authority--Construction Contracts

Standing Orders of The Regents 100.4(z) and 100.4(dd) provide as follows:

100.4 Duties of the President of the University.

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(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.

* * *

(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:

* * *

(8) Construction contracts in excess of appropriated funds.

The authority assigned to the President in Standing Orders 100.4(z) and 100.4(dd) is governed by Regents' Bylaw 5.1, which references state law on the letting of construction contracts (Public Contract Code, Part 2, Chapter 2.1, *University of California Competitive Bidding* (commencing with Section 10500)).

Effective immediately, for approved projects within your respective jurisdictions, you are authorized to solicit bids and to execute construction contracts and other documents necessary in the exercise of this delegation subject to the following restrictions:

1. Execution of a contract for a Project shall not cause the total cost of the Project (including site clearance, building construction, exterior utilities, site development, A&E fees, campus administration, surveys & tests, special items, construction contingency, and group 2 & 3 equipment) to exceed the approved capital improvement budget.
2. Bid solicitations and contract awards shall comply with applicable state law and shall be subject to regulations and requirements specified in the University of California *Facilities Manual* and other requirements which may be established from time to time by the Office of the President, including the requirements of Delegations of Authority 1040, 2134, 2136, 2157, 2158, and 2159.

You are authorized to use the following modes of contracting as defined in Public Contract Code Section 10503, subject to requirements in the *Facilities Manual*:

1. Complete plans and specifications [Lump Sum];
2. Design-and-build [Design-Build];
3. Construction manager [CM at Risk]; and
4. Cost-plus-fee.

Public Contract Code Section 10503(e) authorizes The Regents to solicit bids under such other contracting modes as The Regents determine to be in the best interest of the University, provided that such bids or proposals are compared on a uniform basis and that the award is made as determined by the published selection standards.

You are hereby authorized to use the following additional contracting modes (pursuant to Standing Order 100.4(dd)), subject to requirements in the *Facilities Manual*:

1. job order or delivery order;
2. time and materials;
3. energy retrofit and performance contracting; and
4. unit pricing.

Subject to requirements in the *Facilities Manual*, you are also authorized:

1. To consent to the withdrawal of a bid after bids are opened and the bidder claims a mistake, under the conditions specified in the *Facilities Manual* section on "Modification or Withdrawal of Bids after the Bid Deadline";
2. To negotiate and execute change orders to a construction contract, within appropriated funds; and
3. To sign notices of completion in the name of the Corporation.

The delegation of authority to the Lawrence Berkeley National Laboratory and the Lawrence Livermore National Laboratory is subject to applicable state and federal law and conformance with management contracts between The Regents and the Department of Energy.

Any modifications to approved contract documents not authorized by the *Facilities Manual* require review and approval by the General Counsel and the Office of the President. Detailed requirements are set forth in the *Facilities Manual*.

Any redelegation of these authorities shall be in writing, with copies to the Vice President–Budget, the Universitywide Policy Office, and the General Counsel of The Regents.

This delegation supersedes Delegation of Authority 2148 issued on June 29, 2004 on this same subject.

A handwritten signature in black ink, appearing to read 'R. C. Dynes', with a stylized, cursive script.

Robert C. Dynes

cc: Members, President's Cabinet
Assistant Vice President Bocchicchio
Universitywide Policy Coordinator Capell
Acting General Counsel and Vice President Blair