



1111 Franklin Street
Oakland, CA 94607-5200
Phone: (510) 987-9074
Fax: (510) 987-9086
<http://www.ucop.edu>

April 19, 2010

CHANCELLORS

Delegation of Authority to Solicit Federal Grant Funding under the National Institute of Standards and Technology Construction Grant Program

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 April 9, 2010 to delegate authority to the President to submit applications under the National Institute of Standards and Technology (NIST) *Construction Grant Program*. The delegated authority does not include authorization to accept the NIST construction funds.

Effective immediately, I redelegate authority to you to solicit or apply for facility grant funding under the NIST *Construction Grant Program* 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 NIST *Construction Grant Program*. Prior to accepting any grant funds, approval of individual capital projects and grant awards will adhere to standard University and Regental approval policies and procedures including compliance with the *California Environmental Quality Act* or the *National Environmental Policy Act*.

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 Chief of Staff and Secretary to the Regents and to the Universitywide Policy Office.

Mark G. Yudof
President

Attachment

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



1111 Franklin Street
Oakland, CA 94607-5200
Phone: (510) 987-9074
Fax: (510) 987-9086
<http://www.ucop.edu>

April 5, 2010

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

**ACTION UNDER INTERIM AUTHORITY – AUTHORIZATION TO SUBMIT
APPLICATIONS FOR CONSTRUCTION GRANT FUNDING UNDER NATIONAL
INSTITUTE OF STANDARDS AND TECHNOLOGY CONSTRUCTION GRANT
PROGRAM**

EXECUTIVE SUMMARY

Request that the Regents authorize the President to submit construction grant applications for funding under the National Institute of Standards and Technology *Construction Grant Program*. This delegation does not include the authorization to accept grant funds.

RECOMMENDATION

The President recommends that the Committee on Grounds and Buildings authorize the President to solicit Construction Grant Funding under the National Institute of Standards and Technology *Construction Grant Program*. Approval of the individual capital projects that are the subject of the award, including financial feasibility for which the grant funding would be applied, will follow the standard University approval practices.

BACKGROUND

The *Omnibus Appropriations Act, 2009* (PL 111-8) appropriated \$30 million to the National Institute of Standards and Technology (NIST) for a competitive construction grant program for research science buildings. The *Consolidated Appropriations Act, 2010* (PL 111-117) appropriated an additional \$20 million to NIST for a competitive construction grant program. In response to these opportunities, campuses are preparing applications for the NIST construction grants.

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 the NIST construction 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 Chanoellors. This delegation does not include authorization to accept grant funds. Soliciting the NIST construction grant funds 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 will adhere to standard University and Regental approval policies and procedures, including compliance with the *California Environmental Quality Act* or *National Environmental Policy Act*.

Full grant proposals are due April 26, 2010, which is prior to the next scheduled Regents meeting in mid-May, necessitating this proposed action under interim authority.

Approved:

LS 4/9/10
 Leslie Tang Schilling Date
 Chair of the Committee on Grounds and Buildings

M. G. Yudof 4/7/10
 Mark G. Yudof Date
 President of the University