

**Metropolitan Transportation Commission
Administration Committee**

October 11, 2023

Agenda Item 2e - 23-1198

MTC Resolution No. 3619, Revised.

Recommended Revisions to Executive Director's Signature Authority

Subject:

Based on recent changes to the organizational structure of MTC and continued increases in contracting activities for MTC, MTC SAFE, BATA, BAHA, BAIFA, ABAG and BAHFA, staff recommends that the Committee approve, and forward to the Commission or applicable Authority for approval, the following revision to the Executive Director's (ED) and Deputy Executive Directors' (DED) delegated signature authority, expressed in MTC Resolution No. 3619, Revised for reasons discussed in this memorandum:

Expand the list of official designees that may be authorized to perform under this delegation of signature authority to include the new roles of Chief Deputy Executive Director (CDED), Chief Financial Officer (CFO) and Chief Operations Officer (COO).

“Signature authority” refers to the ED's or designees' ability to authorize contracts or funding agreements without Committee approval. The proposed changes to MTC Resolution No. 3619 would establish identical signature authority limits.

Expanding the list of official designees will improve the efficiency of procurement and contracting activities and allow for greater flexibility in improving operations and process.

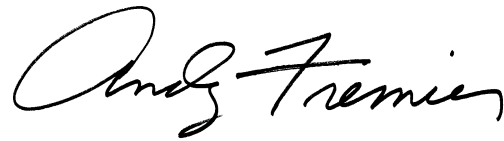
Under the proposed delegation, the ED and CDED, DEDs, the CFO and the COO, if authorized by the ED, could sign contracts and/or amendments in amounts up to and including \$200,000 without committee approval, provided that the items to be purchased or work to be done were included in the adopted agency budget.

Recommendation

Staff recommends that the Committee forward to the Commission or applicable Authority for its approval the revisions to MTC Resolution No. 3619 as set forth in the attached revised resolution.

Attachments:

- MTC Resolution No. 3619, Revised



Andrew B. Fremier

Date: March 24, 2004
W.I.: 1150
Referred by: Administration
Revised: 04/25/07-C
06/23/10-C
04/24/13-C
12/16/15-C
10/25/23-C

ABSTRACT

Resolution No. 3619, Revised

Resolution No. 1101 delegated signature authority to the Executive Director of the Commission, Deputy Executive Director, or a designee of the Executive Director, to enter into certain specific contracts and funding agreements without Administration Committee approval.

This resolution revises the signature authority delegated to the Executive Director by the Commission, or to the Deputy Director if authorized by the Executive Director, to enter into certain specified contracts and funding agreements without Administration Committee approval.

Resolution No. 1101 is superseded.

Attachment A of this resolution was revised on April 25, 2007 to delegate signature authority to the Executive Director of the Commission or to the Deputy Director or other designee, if authorized by the Executive Director, to execute contract amendments that in total do not exceed the dollar value of a contract allotment approved by the Commission. In addition, clarifying changes were made to this resolution to reflect MTC's current staffing organization and Committee structure.

Attachment A of this resolution was revised on June 23, 2010 to modify and clarify the delegation of signature authority.

Attachment A of this resolution was revised on April 24, 2013 to augment the signature authority of the Executive Director and the Deputy Executive Director in relation to emergency expenditures, as defined in Attachment A.6.

ABSTRACT

MTC Resolution No. 3619, Revised

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Attachment A of this resolution was revised on December 16, 2015 to increase the delegation of signature authority from \$100,000 to \$200,000 for all contracts, except for emergency contracts, for which authority was increased from \$100,000 to \$1,000,000.

Attachment A of this resolution was revised on October 25, 2023, to update the ability of the Executive Director to designate and authorize the Chief Deputy Executive Director, Deputy Executive Directors, the Chief Financial Officer, and the Chief Operations Officer to enter into certain specified contracts and funding agreements and execute amendments without Administration Committee approval.

Discussion of these items can be found in the Executive Director's Memoranda to the Administration Committee dated February 25, 2004, April 4, 2007, April 3, 2013 and December 2, 2015, the Deputy Executive Director's Memorandum to the Administration Committee dated June 2, 2010, the Executive Director's Memorandum to the Commission dated December 16, 2015 and the Executive Director's Memorandum to the Administration Committee on October 11, 2023 and to the Commission dated October 25, 2023.

Date: March 24, 2004
W.I.: 1150
Referred by: Administration

RE: Delegation of Contracting Authority, without Administration Committee approval, to the Executive Director of the Commission, a Deputy Director, or a designee of the Executive Director

METROPOLITAN TRANSPORTATION COMMISSION

Resolution No. 3619

WHEREAS, the Metropolitan Transportation Commission (Commission) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code § 66500 *et seq.*; and

WHEREAS, pursuant to Government Code § 66505, the Commission has appointed an Executive Director who, subject to the direction of the Commission, has charge of administering the affairs of the Commission; and

WHEREAS, pursuant to the Executive Director's duties in administering the affairs of the Commission, the Executive Director, among other things, enters into contracts and purchase orders for goods and services necessary to carry out the statutory purposes of the Commission and funding agreements with other public agencies for the distribution and receipt of funds; and

WHEREAS, funds for such purchase orders, contracts and funding agreements are programmed by the Commission with the adoption of the annual Overall Work Program (OWP) and annual budget for each fiscal year and are approved via appropriate committee(s) of the Commission; and

WHEREAS, in order to efficiently administer such purchase orders, contracts and funding agreements, the Commission authorized the Executive Director, pursuant to MTC Resolution No. 1101, to execute certain agreements without prior approval by the Administration Committee; and

WHEREAS, the Commission wishes to modify MTC Resolution No. 1101; now, therefore, be it

RESOLVED, that the Executive Director, or the Deputy Director, or a designee of the Executive Director, is hereby authorized and directed to sign purchase orders, contract documents and funding agreements, as indicated on Attachment A; and, be it further

RESOLVED, that any action taken by the Executive Director (or the Deputy Director or designee, as applicable), shall be reported to the Administration Committee as part of the monthly financial reporting procedure; and, be it further

RESOLVED, that Commission Resolution No. 1101 is superseded with the adoption of this resolution.

METROPOLITAN TRANSPORTATION COMMISSION

/s/ _____
Steve Kinsey, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on March 24, 2004.

Date: March 24, 2004
W.I.: 1150
Referred by: Administration
Revised: 04/25/07-C
06/23/10-C
04/24/13-C
12/16/15-C
10/25/23-C

Attachment A
Resolution No. 3619
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1. References to “contracts” in this Attachment refer also to “purchase orders”.
2. The Executive Director is hereby authorized to sign contracts and/or amendments to contracts totaling \$200,000, without referral to a standing Committee of the Commission with contract approval authority, provided the things to be purchased or the work to be done are included in the annual Overall Work Program and/or the annual budget approved by the Commission. This delegated authority is renewed for any single contract each time the appropriate Committee approves a new total contract amount.
3. The Executive Director may authorize MTC Section Directors to sign contracts and/or amendments to such contracts with a total contract value up to \$25,000 cumulatively.

Where a Commission Committee with contract approval authority has approved a contract allotment in addition to the original contract amount to cover changes that may be required during the performance period, the Executive Director is authorized to sign change orders and contract amendments that in total do not exceed the approved contract allotment, without further referral to the appropriate authorizing Committee.

4. The Executive Director is authorized to sign funding agreements and amendments to funding agreements included in the annual Overall Work Program and/or the annual budget approved by the Commission authorizing MTC to receive funds from other public agencies and to distribute funds to other public agencies without referral to the appropriate authorizing Committee and without regard to dollar amount, provided, with respect to distribution of funds, that the recipients are named in the Overall Work Program or annual agency budget or by action of another Committee of the Commission. Funding agreements distributing funds to recipients not so named are subject to the delegation authority for contracts and amendments in paragraphs one, two and three of this Attachment.

5. The Executive Director is hereby authorized to sign contracts and to waive competitive procurement requirements for emergency contracts and purchase orders, with the approval of the Commission Chair, or in his/her absence, the Vice Chair, provided that:
 - (i) funds for the contract or purchase order are available in the adopted agency budget;
 - and (ii) each emergency contract or purchase order may not exceed \$1,000,000.“Emergency” contract is defined as a contract necessary to deal with Acts of God or other threats to public safety or well-being when the delay caused by waiting for the next meeting of the Committee or Commission would increase that threat.
- ~~6.~~ 7. The Executive Director is hereby authorized to delegate the authority delegated in Paragraphs 2, 4 and 5 to any of the following designees: Chief Deputy Executive Director, any Deputy Executive Directors, the Chief Financial Officer and the Chief Operations Officer.