

Date: January 19, 2023

W.I.:

Referred By: ABAG Executive Board

ABSTRACT

ASSOCIATION OF BAY AREA GOVERNMENTS

RESOLUTION NO. 8-2023

This resolution updates the delegation of authority for purchasing, contracting and settlement of claims to make it consistent with the delegation of authority as outlined in Metropolitan Transportation Commission Resolution Nos. 3619 and 4546.

Date: January 19, 2023

W.I.:

ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 8-2023

Re: Delegation of Authority for Purchasing, Contracting and Settlement of Claims

WHEREAS, the Association of Bay Area Governments (ABAG) is the region's Council of Governments for the San Francisco Bay Area pursuant to the Joint Exercise of Powers Act, California Government Code Section 6500 *et seq.*; and

WHEREAS, prior to 2020, ABAG authorized the Executive Director to execute purchase orders and contracts in an amount not to exceed \$50,000 without prior Executive Board approval; and

WHEREAS, ABAG and the Metropolitan Transportation Commission (MTC), a regional planning organization, created by Government Code Section 66500, *et seq.* executed a Contract for Services dated May 30, 2017 ("Contract for Services"), in which MTC provides staffing services to ABAG; and

WHEREAS, Section 3.3 of the Contract for Services provides that MTC rules for administration, personnel, payroll, employee relations, purchasing, contracting and other business operations shall apply, except that for contracts and purchases that exceed \$50,000, or another amount set by the ABAG Executive Board, shall be approved by the ABAG Executive Board; and

WHEREAS, MTC Resolution No. 3619 delegates authority to the Executive Director or designee to execute purchase orders and contracts and their amendments in an amount not to exceed \$200,000 without prior Commission approval; and

WHEREAS, in September 2020, the ABAG Executive Board adopted Resolution No. 18-2020 authorizing the Executive Director to execute purchase orders and contracts in an amount not to exceed \$200,000 without prior Executive Board approval in an effort to bring ABAG's policies consistent with MTC's policies; and

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WHEREAS, MTC recently adopted MTC Resolution No. 4546 authorizing the General Counsel to negotiate and execute settlement agreements that do not exceed \$50,000, and to execute contracts for legal services in an amount that does not exceed \$200,000; and

WHEREAS, in addition to ABAG Resolution No. 18-2020, the ABAG Executive Board desires to bring further clarity that it intends for ABAG to follow MTC's delegation of authority for purchases, contracts and settlement of claims; now, therefore be it

RESOLVED, that so long as the ABAG/MTC Contract for Services is in effect, the MTC Executive Director or designee of the Executive Director is hereby authorized to execute all authority delegated as set forth in MTC Resolution No. 3619, provided the funds are available and included in the applicable fiscal year budget, and the MTC General Counsel is authorized to execute all authority delegated as set forth in MTC Resolution No. 4546; and be it further

RESOLVED, the ABAG Executive hereby ratifies any purchase order, contract or contract amendment executed by ABAG after ABAG Resolution No. 18-2020 was adopted and that was in conformance with MTC Resolution No. 3619.

The foregoing was adopted by the Executive Board this 19<sup>th</sup> day of January, 2023.

Jesse Arreguin  
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Clerk of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called and noticed meeting held in San Francisco, California, and at other remote locations, on the 19<sup>th</sup> day of January, 2023.

Frederick Castro  
Clerk of the Board