

**Metropolitan Transportation Commission
Regional Network Management Committee**

October 13, 2023

Agenda Item 2b

**Metropolitan Transportation Commission (MTC) Service Authority for Freeways and
Expressways (SAFE) Resolution No. 44, Revised - Revisions to Executive Directors
Signature Authority**

Subject

Expanding 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).

Background:

Based on recent changes to the organizational structure of MTC and continued increases in contracting activities for MTC, MTC SAFE, Bay Area Toll Authority, Bay Area Headquarters Authority, Bay Area Infrastructure Financing Authority, Association of Bay Area Governments and Bay Area Housing Finance Authority, staff recommends that the Committee approve, and forward to the MTC SAFE Authority for approval, the following revision to the Executive Director's (ED) and Deputy Executive Directors' (DED) delegated signature authority, expressed in MTC SAFE Resolution No. 44, 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 CDED, CFO, and COO.

“Signature authority” refers to the ED's or designees' ability to authorize contracts or funding agreements without Committee approval. The proposed MTC-SAFE Resolution No. 44 changes 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 processes.

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.

Issues:

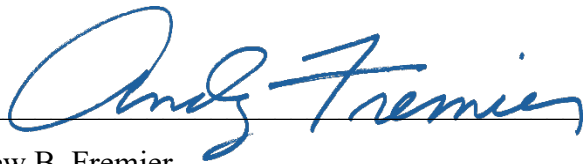
None identified.

Recommendation:

Staff recommends that the Committee forward to MTC SAFE for its approval the revisions to MTC SAFE Resolution No. 44 as set forth in the attached revised resolution.

Attachments:

- Attachment A: MTC-SAFE Resolution No. 44, Revised



Andrew B. Fremier

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: Operations Committee
Revised: 04/25/07-SAFE
06/23/10-SAFE
12/16/15-SAFE
10/25/23-SAFE

ABSTRACT

SAFE Resolution No. 44, Revised

SAFE Resolution No. 9, Revised, delegated signature authority to the Executive Director of the Authority, Deputy Executive Director, or a designee of the Executive Director, to enter into certain specified contracts and funding agreements.

This resolution revises the signature authority delegated to the Executive Director of the Authority, or to the Deputy Director if authorized by the Executive Director, to increase the threshold amounts to enter into certain contracts and funding agreements without Operations Committee approval.

This resolution supersedes Resolution No. 9, Revised.

Attachment A of this resolution was revised on April 25, 2007 to delegate signature authority to the Executive Director of the Authority 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 Operations Committee. In addition, clarifying changes were made to this resolution to reflect the SAFE's current staffing organization.

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 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 Committee approval.

Discussion of these items can be found in the Executive Director's Memoranda to the MTC SAFE Operations Committee dated February 25, 2004 and April 4, 2007, the Executive Director's Memoranda to the Operations Committee dated June 4, 2010, December 2, 2015, and October 13, 2023, the Executive Director's Memorandum to the Authority dated December 16, 2015 and the Executive Director's Memorandum to the Regional Network Management Committee dated October 13, 2023.

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: SAFE Operations

RE: Delegation of Contracting Authority, without Oversight Committee approval, to the Executive Director of the Authority

METROPOLITAN TRANSPORTATION COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Resolution No. 44

WHEREAS, SAFE Resolution No. 1 established a Metropolitan Transportation Commission Service Authority for Freeway Emergencies ("MTC SAFE" or "SAFE"), pursuant to Streets and Highways Code Sections 2550 *et seq.*; and

WHEREAS, the MTC SAFE has appointed an Executive Director who, subject to the direction of the SAFE, has charge of administering the affairs of the SAFE; and

WHEREAS, pursuant to the Executive Director's duties in administering the affairs of the Authority, 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 Authority and funding agreements with other public agencies for the distribution and receipt of funds; and

WHEREAS, funds for the purchase of goods and services by purchase order and contract are programmed by the MTC SAFE with the adoption of the annual budget for each fiscal year; and

WHEREAS, in order to efficiently administer such purchase orders, contracts and funding agreements, the Authority authorized the Executive Director to execute certain agreements without prior approval by the Oversight Committee under SAFE Resolution No. 9, Revised; and

WHEREAS, the Authority wishes to revise the delegations authorized under SAFE Resolution No. 9, Revised; 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 Operations Committee as part of the regular financial reporting procedure; and, be it further

RESOLVED, SAFE Resolution No. 9, Revised is hereby superseded with the approval of this Resolution.

METROPOLITAN TRANSPORTATION COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

/s/

Steve Kinsey, Chair

The above resolution was entered into by the MTC SAFE at a regular meeting of the Authority held in Oakland, California, on March 24, 2004.

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: Operations Committee
Revised: 04/25/07-SAFE
06/23/10-SAFE
12/16/15-SAFE
10/25/23-SAFE

Attachment A
SAFE Resolution No. 44
Page 1 of 2

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 Authority with contract approval authority, provided the things to be purchased or the work to be done are included in the annual budget approved by the Authority. 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 Section Directors to sign contracts and/or amendments to such contracts with a total contract value up to \$25,000 cumulatively.
4. Where an Authority 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.
5. The Executive Director, designated Deputy Executive Director or other designee, if authorized by the Executive Director, is authorized to sign funding agreements and amendments to funding agreements included in the annual budget approved by the Authority authorizing the Authority 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 adopted annual budget. authority for contracts and amendments in paragraphs one, two and three of this Attachment

6. 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 Authority 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 Authority would increase that threat.
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.