



Delegation of Authority (Contractual)

What is a Contractual Delegation of Authority?



What is a Contractual Delegation of Authority?

- ▣ **It is the legal power to act in the name of the Board of Trustees of California State University and California State University East Bay (CSUEB). The DOA binds the University to an obligation or promise.**

Contractual Delegation of Authority

- ▣ **The University is not bound by and does not recognize as binding any promise or obligation made by an unauthorized person.**

Delegation of Authority

Know the difference



One of the elements of a contract includes the authority to execute.

There are significant ramifications for acting in a capacity as if one had a DOA

CSUEB Staff/Faculty with a DOA Must:

- ▣ Act within the limits of their power and delegation, as documented, as an example on the following slide;**
 - ▣ Comply with all relevant University policies, procedures, internal controls, guidelines, and laws when exercising delegated authority.**
- 



Memorandum

To: Myeshia Armstrong
Vice President, Administration & Finance/Chief Financial Officer

From: Cathy Sandeen *Cathy Sandeen*
President

Date: June 22, 2022

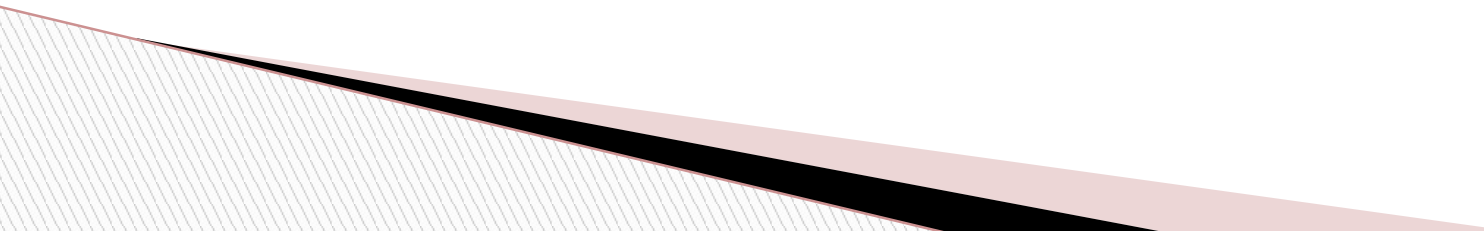
Re: **Delegation of Authority to Execute Agreements for California State University, East Bay, Cal State East Bay Educational Foundation and CSU East Bay Foundation**

Authority is hereby delegated to execute agreements on behalf of California State University, East Bay, Cal State East Bay Educational Foundation and CSU East Bay Foundation in accordance with the table below and accepted as evidenced by signature in the space provided. In addition, procurement card holders are delegated authority to make purchases which adhere to the policies provided in the CSU East Bay Procurement Card Handbook. All procurements shall be in accordance with ICSUAM Sections 5000 and 9000, appropriate CSU Executive Orders, and CSU East Bay administrative policy where applicable. This delegation supersedes prior delegations.

Type	*NTE \$50,000	*NTE \$75,000	*NTE \$100,000	*NTE \$250,000	\$250,000 or more
Service Agreements, Purchase Orders, and Equipment Leases	Diego Campos Buyer II Bhavesh Patel, Buyer II	Thomas Ballinger, Buyer III	Chris Lam-Vazquez, Contracts Administrator	Maureen Pasag Associate Vice President, Financial Services Jon Medwin, Director Procurement & Support Services	Myeshia Armstrong, Vice President, Administration & Finance/CFO Cathy Sandeen, President
Public Works Construction, Contracts and Service Agreements			Chris Lam-Vazquez, Contracts Administrator	Maureen Pasag Associate Vice President, Financial Services Jon Medwin, Director Procurement & Support Services	Myeshia Armstrong, Vice President, Administration & Finance/CFO Cathy Sandeen, President

***Not to Exceed**

CSUEB Staff/Faculty with A DOA (con't)

- ❑ Must avoid even the appearance or presence of conflicts of interest, and never sign any document or obligate the University to an agreement in which he or she may have a personal interest in. and;
 - ❑ When a transaction is of an unusual nature or outside the normal course of University activities and practices, but within their DOA, the agreement should be elevated to a higher organizational level before it is executed.
 - ❑ Never sign an agreement/contract for which a DOA has not been previously provided.
- 

Contractual Delegation of Authority

- Who can enter into CSUEB agreements and/or contracts?
 - Only those **individuals who receive a formal (written) Delegation of Authority** may enter into agreements.

Unauthorized Purchase Request Policy and Form

- ❑ **CSUEB has established a campus Unauthorized Purchase Request Policy and Form. See PolicyStat: <https://csueastbay.policystat.com/policy/12042327/latest>**
- ❑ The **intent** of this policy is meant to **curtail unapproved/unencumbered spend** and ensure that individuals without a valid and current DOA do not bind the campus contractually and/or financially.
- ❑ Violators are required to complete an Unauthorized Purchase Request Form that must be signed by the Vice President of your area and the Vice President of Administration & Finance. The form is initiated by the Procurement Office.

Unauthorized Purchases

There are two primary avenues to procure goods or services:

- **Procurement Card for allowed goods/services <\$10,000 (This dollar amount has been recently revised from \$5,000 to \$10,000.)**
- **Through a requisition process that will lead to the issuance of a Purchase Order.**

Unauthorized Purchases

CSUEB staff shall not:

- **Use their personal credit card or funds to purchase University goods or services. Doing so, and seeking reimbursement could obligate the University to pay for an unauthorized expense.**
- **Use the requisition number to order supplies or services prior to the issuance of a Purchase Order.**
- **Provide the Purchase Order Number or an unsigned copy of a PO to a vendor before it has been approved by a member of the Procurement Office and conveyed to the vendor.**
- **Issue a requisition after an order has been (improperly) placed, or after goods or services have been received. This is called an “after the fact” purchase, also known as a “confirming order”. These types of orders are never allowed.**

Quiz Question #1

- ▣ **What form needs to be signed by both the Vice President/Provost of your division and the Vice President of Administration & Finance in a situation where neither a requisition was generated or a P-Card utilized to acquire a commodity?**

Answer to Quiz Question #1

- ▣ **The Unauthorized Purchase Request Form. This form is routed to the offending party via AdobeSign.**

Quiz Question #2

- ▣ **True or False, a person who has received a Delegation of Authority shall:**
- ▣ **Act within the limits of their power and delegation, as documented by their designated DOA; AND**
- ▣ **Be aware of and comply with all relevant University policies, procedures, internal controls, and laws when exercising authority;**

Answer to Quiz Question #2

▣ True

Questions & Answers

- ▣ **Please ask any questions that you may have about this presentation through the Zoom Chat function.**