

TO: BOARD OF TRUSTEES
FROM: SUPERINTENDENT

COMMUNICATION NO. 60-2009/10-BS

Prepared by the Office of Vice President Business Services
for Presentation to the Board of Trustees
September 14, 2009

**SUBJECT: RESOLUTION FOR DELEGATION OF AUTHORITY TO THE
SUPERINTENDENT/PRESIDENT TO APPROVE CONSTRUCTION PROJECT
CHANGE ORDERS UNDER \$10,000**

A. BACKGROUND

California Public Contract Code section 20651 authorizes the governing board of a community college district to contract for construction work on public works projects and Public Contract Code section 20659 authorizes the governing board to make changes or alterations to such contracts. The Board of Trustees delegates to the Superintendent/ President or his designee the authority to enter into agreements to change or alter contracts for construction work on public works projects ("Change Order").

Since the passage of the Measure R Bond in 2004, Antelope Valley College has embarked on its most aggressive construction projects in its 80-year history. During the year, there are times when the approval of change orders for these construction projects may cause serious delays if not approved in a timely manner. The attached resolution authorizes the Superintendent/President to approve construction project change orders under \$10,000 as necessary.

B. BUDGET IMPLICATIONS

None.

C. RECOMMENDATION

It is recommended that the Board of Trustees approve the resolution as presented.

Respectfully submitted,

Jackie L. Fisher, Sr.
Superintendent/President

Prepared by:



Deborah Wallace
Vice President Business Services

Office of Business Services

Communication No. 60-2009/10-BS

September 14, 2009

**RESOLUTION FOR DELEGATION OF AUTHORITY TO THE SUPERINTENDENT/
PRESIDENT TO APPROVE CONSTRUCTION PROJECT CHANGE ORDERS UNDER
\$10,000**

RESOLUTION NO. 2-2009/2010
OF THE ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES DELEGATING AUTHORITY TO CHANGE OR ALTER
PUBLIC WORKS CONSTRUCTION CONTRACTS

WHEREAS, California Public Contract Code section 20651 authorizes the governing board of a community college district to contract for construction work on public works projects and Public Contract Code section 20659 authorizes the governing board to make changes or alterations to such contracts;

WHEREAS, California Education Code section 81655 authorizes the governing board of a community college district to delegate the governing board's authority to contract to the district superintendent or to such persons as the district superintendent may designate; and

WHEREAS, pursuant to Board Policy 6340, the Board of Trustees of the Antelope Valley Community College District ("District") has delegated to the Superintendent/President the authority to enter into contracts on behalf of the District subject to certain conditions; and

WHEREAS, by this resolution, the Board of Trustees delegates to the Superintendent/President or his designee the authority to enter into agreements to change or alter contracts for construction work on public works projects ("Change Order") subject to the conditions set forth below.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT RESOLVES AS FOLLOWS:

1. The Board of Trustees delegates to and authorizes the Superintendent/President or his designees ("Designee") to enter into Change Orders and to authorize work to commence pursuant to such Change Orders, subject to the following:

- a. The cost of the Change Order is less than ten thousand dollars (\$10,000); and
- b. The cost of the Change Order does not exceed the greater of (a) the amount specified in Public Contract Code section 20651 or 20655, whichever is applicable to the original contract; or (b) ten percent of the original contract amount; and
- c. The Change Order shall be subject to ratification by the District's Board of Trustees; in accordance with California Education Code section 81655, no Change Order shall be valid or constitute an enforceable obligation against the District unless and until that Change Order is ratified by the District's Board of Trustees, said approval or ratification to be evidenced by a motion of the Board of Trustees duly passed and adopted.

2. A Change Order, which cost is \$10,000 or greater or which cost exceeds the greater of (a) the amount specified in Public Contract Code section 20651 or 20655, whichever is applicable to the original contract; or (b) ten percent of the original contract amount, shall be subject to approval by the Board of Trustees before any work may commence pursuant to the Change Order.

This resolution is adopted by the Board of Trustees of the Antelope Valley Community College District on September ____, 2009 by the following votes:

AYES:
NOES:
ABSENT:

CERTIFICATION

I hereby certify, on this ____ day of September 2009, that the foregoing document is a true and correct copy of the Resolution Delegating Authority to Change or Alter Public Works Construction Contracts by said Board of Trustees at its meeting on September ____, 2009.

By: _____
Secretary of Board of Trustees

Print: _____
Name