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April 20, 2018

## CHANCELLORS

DIRECTOR—LAWRENCE BERKELEY NATIONAL LABORATORY  
EXECUTIVE VICE PRESIDENT—CHIEF FINANCIAL OFFICER  
EXECUTIVE VICE PRESIDENT—CHIEF OPERATING OFFICER  
VICE PRESIDENT—AGRICULTURE AND NATURAL RESOURCES

### Interim Delegation of Authority – Capital Project Matters

Dear Colleagues:

Regents Policy 8103 on Capital Project Matters (Policy) provides certain authorities to the President of the University concerning: capital planning and capital budget requests; State budget requests for capital; the Capital Financial Plan; sales, purchases, leases, and licenses of real estate and real property interests acquired or used for University-related purposes; Physical Design Frameworks; project design; and Long Range Development Plans (collectively, Capital Project Matters). For this Policy, University-related purposes means real estate and real property interests acquired for or used by the University for teaching, research, or public service. It specifically excludes real estate and real property interests held for investment purposes and managed by the Chief Investment Officer. As provided by the California Environmental Quality Act, the certification or adoption of environmental documents is undertaken at the level of the associated project approval.

All significant Capital Project Matters are reserved to the Committee and Board under Bylaw 22.2 (d). However, in the interest of operational efficiency of the University, the authority to approve or act on certain Capital Project Matters is deemed best exercised by the President and designees rather than the Board or its Committees. Also, under Bylaw 30, the President is authorized to administer the day-to-day central and/or systemwide functions of the University, of which certain activities are related to Capital Project Matters. The attached *Delegations of President's Authority for Capital Project Matters* indicates the authorities under the Policy and Bylaw 30 you are delegated in your respective areas of responsibility.

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This delegation supersedes the following:

DA2614	DA2604	DA2598	DA2564	DA1039
DA2613	DA2603	DA2597	DA2233	DA0606
DA2605	DA2599	DA2596	DA2135	

The adoption of the Policy rescinded Regents Policies 5503, 8101, 8102, and sections of Standing Order 100.4 that existing delegations of authority concerning Capital Project Matters relied upon. This delegation is being issued on an interim basis in order to avoid a disruption in University operations. The authorities delegated to you herein will become permanent following the appropriate review and comment period to be administered by my office.

Yours very truly,



Janet Napolitano  
President

Attachment

cc: Division Leaders  
Associate Vice President and Systemwide Controller  
Executive Director – Capital Asset Strategies  
Director – Capital Planning  
Universitywide Policy Office

Delegations of President’s Authority for Capital Project Matters

April 20, 2018

	<b>FORMER DA #</b>	<b>Transaction Type</b>	<b>President’s Maximum Authority</b>	<b>Maximum Authority Delegated from the President to EVP – CFO</b>	<b>Maximum Authority Delegated from the President to Chancellors / Director – LBNL / EVP – COO / VP – ANR in Their Respective Areas of Responsibility</b>
1.	DA2605	Acquisition of real property <u>consistent</u> with the approved Capital Financial Plan. Acceptance of gifts of real property	Approve transactions and execute agreements related to acquisitions and gifts of real property valued up to and including \$70 million	Approve transactions and execute agreements related to acquisitions and gifts of real property valued up to and including \$70 million  May be further delegated within the Office of the President	None
2.	DA2605	Acquisition of real property <u>not consistent</u> with the approved Capital Financial Plan	Approve transactions and execute agreements related to acquisitions of real property valued up to and including \$20 million	Approve transactions and execute agreements related to acquisitions of real property valued up to and including \$20 million  May be further delegated within the Office of the President	None

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3.	DA2599 DA2598 DA2597	Budget or design for capital projects <u>consistent</u> with the approved Capital Financial Plan, accepted Physical Design Framework (PhDF), and approved Long Range Development Plan (LRDP). Consistency with PhDF and LRDP not required for off-campus projects for which there is no applicable PhDF or LRDP	Approve budget and design for capital projects up to and including \$70 million	Approve budget and design for capital projects with a project budget up to and including \$70 million  May be further delegated within the Office of the President	Approve budget (non-State) and design for minor capital improvement projects, as defined in and in accordance with Volume 2, Chapter 7 of the Facilities Manual, subject to the following: <ul style="list-style-type: none"> <li>(i) Authority excludes budget approvals for any minor capital improvement project funded wholly or in part by State funds.</li> <li>(ii) May be further delegated</li> </ul> Approve budget (non-State) and design for capital projects with a project budget up to and including \$70 million in accordance with Volume 2, Chapter 7 of the Facilities Manual, subject to the following: <ul style="list-style-type: none"> <li>(i) For projects with a total project budget over \$10 million, a Business Case Analysis and Project Planning Guide or equivalent, has been reviewed by UCOP Capital Asset Strategies.</li> <li>(ii) Authority excludes budget approvals for any capital project funded wholly or in part by State funds.</li> <li>(iii) May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may <u>not</u> be further delegated</li> </ul>

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4.	DA2599 DA2598 DA2597	Budget or design for capital projects <u>not consistent</u> with the approved Capital Financial Plan or accepted Physical Design Framework (PhDF), but <u>consistent</u> with the approved Long Range Development Plan (LRDP). Consistency with PhDF and LRDP not required for off-campus projects for which there is no applicable PhDF or LRDP	Approve budget and design for capital projects up to and including \$20 million	Approve budget and design for capital projects with a project budget up to and including \$20 million  May be further delegated within the Office of the President	Approve budget (non-State) and design for minor capital improvement projects, as defined in and in accordance with Volume 2, Chapter 7 of the Facilities Manual subject to the following: <ul style="list-style-type: none"> <li>(i) Authority excludes budget approvals for any minor capital improvement project funded wholly or in part by State funds.</li> <li>(ii) May be further delegated</li> </ul> Approve budget (non-State) and design for capital projects with a project budget up to and including \$10 million in accordance with Volume 2, Chapter 7 of the Facilities Manual, subject to the following: <ul style="list-style-type: none"> <li>(i) Authority excludes budget approvals for any capital project funded wholly or in part by State funds.</li> <li>(ii) May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may <u>not</u> be further delegated</li> </ul>

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5.	DA2599 DA2598	Augmentation and scope change for acquisition of real property and budget for capital projects - original approval by the <u>President</u>	Approve cumulative augmentations and scope changes up to \$20 million, but in no event exceeding a total project budget (as augmented) of \$70 million	Approve cumulative augmentations and scope changes up to \$20 million, but in no event exceeding a project budget (as augmented) of \$70 million  May <u>not</u> be further delegated	<p>For capital projects budgets approved under your authority, approve cumulative augmentations and scope changes to non-State minor capital projects, as defined in and in accordance with Volume 2, Chapter 7 of the Facilities Manual so long as the project budget (as augmented) does not exceed the limit to qualify as a minor capital project. May be further delegated</p> <p>For capital projects budgets approved under your authority, approve cumulative augmentations and scope changes to non-State capital projects with a project budget (as augmented) up to and including \$10 million in accordance with Volume 2, Chapter 7 of the Facilities Manual. May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may not be further delegated</p> <p>For capital projects budgets approved under your authority, approve cumulative augmentations and scope changes up to 15% of the original approval to non-State capital projects with a project budget greater than \$10 million, but in no event exceeding a project budget (as augmented) of \$70 million in accordance with Volume 2, Chapter 7 of the Facilities Manual. May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may not be further delegated</p>

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6.	DA2599 DA2598	Augmentation and scope changes for acquisition of real property and budget for capital projects - original approval by the <u>Regents</u>	Approve cumulative augmentations and scope changes up to 15% of the original approval, but in no event exceeding a total augmentation of \$20 million	Approve cumulative augmentations and scope changes up to 15% of the original approval, but in no event exceeding a total augmentation of \$20 million  May <u>not</u> be further delegated	None
7.	DA2605	Dispositions of real property	Approve transactions and execute disposition agreements related to real property valued up to and including \$70 million	Approve transactions and execute disposition agreements related to real property valued up to and including \$70 million  May be further delegated within the Office of the President	None

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8.	DA2614 DA2603	Leases (including ground leases) and, if necessary, to the extent applicable, design of buildings developed pursuant to a lease	<p>Approve and execute leases that:</p> <ul style="list-style-type: none"> <li>(i) have a term of up to and including 20 years, excluding options when UC is Tenant but including options when UC is Landlord, and</li> <li>(ii) have an initial base annual consideration up to and including \$5 million.</li> </ul> <p>Approve design for buildings developed pursuant to such leases</p>	<p>Approve and execute leases that:</p> <ul style="list-style-type: none"> <li>(i) have a term of up to and including 20 years, excluding options when UC is Tenant but including options when UC is Landlord, and</li> <li>(ii) have an initial base annual consideration up to and including \$5 million.</li> </ul> <p>Approve design for buildings developed pursuant to such leases</p> <p>May be further delegated within the Office of the President with lease term up to and including 10 years and initial base annual consideration up to and including \$1 million</p>	<p>Approve and execute lease commitments (including exercising options), subject to the requirements contained in Volume 2, Chapter 7 of the Facilities Manual, for:</p> <ul style="list-style-type: none"> <li>(i) a term not to exceed 10 years excluding options when UC is Tenant but including options when UC is Landlord, and</li> <li>(ii) an initial base annual consideration not to exceed \$2 million provided that all commitments with an initial base annual consideration in excess of \$1 million shall be memorialized by either:                             <ul style="list-style-type: none"> <li>(a) a UC Standard Form Lease without material modification, or</li> <li>(b) an instrument approved by Real Estate Services &amp; Strategies and the Office of General Counsel.</li> </ul> </li> </ul> <p>Authority <u>excludes</u> approval and execution of ground leases</p> <p>Approve and execute ancillary documents, amendments, or other modifications to a lease agreement consistent with the authority granted herein</p> <p>May be further delegated, with a copy to UCOP Capital Asset Strategies</p>



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9.	DA2603 DA2613	Licenses	Approve and execute licenses pertaining to capital project matters	Approve and execute licenses pertaining to capital project matters  May be further delegated within the Office of the President	Approve and execute commitments for licenses, subject to the requirements contained in Volume 2, Chapter 7 of the Facilities Manual, that have:  (i) a term (a) not to exceed 10 years, excluding options when UC is Licensee but including options when UC is Licensor, or (b) revocable by UC for convenience on notice not to exceed 180 days; and  (ii) an initial base annual consideration not to exceed \$1 million, provided that all commitments with an initial base annual consideration in excess of \$500,000 shall be memorialized by either: (a) a UC Standard Form License without material modification, or (b) an instrument approved by Real Estate Services & Strategies and the Office of General Counsel.  Approve and execute ancillary documents, amendments, or other modifications limited by the authority granted herein  May be further delegated, with a copy to UCOP Capital Asset Strategies

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10.	no stated policy	Reimbursement agreements and stipend agreements ancillary to real property transactions	Approve and execute such agreements where the University assumes an obligation to pay cost of up to and including \$20 million	Approve and execute such agreements where the University assumes an obligation to pay a cost of up to and including \$20 million  May be further delegated within the Office of the President	Approve and execute such agreements where the University assumes an obligation to pay a cost of up to and including \$2.5 million  May <u>not</u> be further delegated
11.	N/A SO 100.4dd9	Third Party Indemnification (where the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests)	In consultation with the General Counsel, approve and execute indemnification provisions in favor of state or federal permitting agencies where providing indemnification is a necessary condition to secure the relevant permit in order to proceed with the capital project matter	In consultation with the General Counsel, approve and execute indemnification provisions in favor of state or federal permitting agencies where providing indemnification is a necessary condition to secure the relevant permit in order to proceed with the capital project matter  May <u>not</u> be further delegated	In consultation with the General Counsel, approve and execute indemnification provisions in favor of the California Coastal Commission where providing indemnification is a necessary condition to secure the relevant permit in order to proceed with the capital project matter  May <u>not</u> be further delegated

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12.	DA2603 DA2604 DA2233	Other Real Estate matters	Approve and execute: easements; rights of way; covenants, conditions, and restrictions; encumbrances; mineral rights; geothermal resources; documents required under the Subdivision Map Act or with respect to Subdivided Lands Act; miscellaneous real property documents; and other contracts and ancillary documents as necessary to implement real estate transactions	Approve and execute: easements; rights of way; covenants, conditions, and restrictions; encumbrances; mineral rights; geothermal resources; documents required under the Subdivision Map Act or with respect to Subdivided Lands Act; miscellaneous real property documents; and other contracts and ancillary documents as necessary to implement real estate transactions  May be further delegated within the Office of the President	Approve and execute the grant of easements and rights- of-way, subject to the requirements contained in Volume 2, Chapter 7 of the Facilities Manual, that are: (i) revocable by UC for convenience on notice not to exceed 180 days, or (ii) provide utility services to UC property exclusively, or (iii) comprise no more than 5,000 square feet of UC land and memorialized by either a (a) UC Standard Form without material modification, or (b) an instrument approved by Real Estate Services & Strategies and the Office of General Counsel  Approve and execute ancillary documents, amendments, or other modifications limited by the authority granted herein  May be further delegated, with a copy to UCOP Capital Asset Strategies

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13.	DA2135	Minor Long Range Development Plan (LRDP) amendments	<p>Approve Minor LRDP amendments. Minor LRDP amendments are defined as those that modify but preserve the fundamental planning principles and objectives of the previously adopted LRDP, and are limited to:</p> <ul style="list-style-type: none"> <li>(i) modifying up to and including 30,000 gross square feet of allocated building space,</li> <li>(ii) changing land use boundaries or designations for up to and including 4 acres of land, or</li> <li>(iii) administrative corrections or changes</li> </ul>	<p>Approve Minor LRDP amendments. Minor LRDP amendments are defined as those that modify but preserve the fundamental planning principles and objectives of the previously adopted LRDP, and are limited to:</p> <ul style="list-style-type: none"> <li>(i) modifying up to and including 30,000 gross square feet of allocated building space,</li> <li>(ii) changing land use boundaries or designations for up to and including 4 acres of land, or</li> <li>(iii) administrative corrections or changes</li> </ul> <p>May be further delegated within the Office of the President</p>	<p>Approve Minor LRDP amendments consisting of administrative corrections or changes that do not change land use designations or modify circulation or infrastructure provided that all changes to the LRDP are reported to UCOP Capital Asset Strategies and a current version made available to the public on the campus website</p> <p>May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may <u>not</u> be further delegated</p>
14.	N/A Established under policy	Minor Physical Design Framework (PhDF) amendments	<p>Accept Minor PhDF amendments. Minor PhDF amendments are defined as those that modify but preserve the fundamental planning principles and objectives of the previously adopted PhDF</p>	<p>Accept Minor PhDF amendments. Minor PhDF amendments are defined as those that modify but preserve the fundamental planning principles and objectives of the previously adopted PhDF</p> <p>May be further delegated within the Office of the President</p>	None

Delegations of President's Authority for Capital Project Matters

April 20, 2018

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15.	DA2135	Modification of previously adopted or certified environmental document pursuant to the California Environmental Quality Act (CEQA)	Modify an environmental document certified or adopted by the Regents pursuant to CEQA so long as the modification does not result in new or increased significant environmental impacts	Modify an environmental document certified or adopted by the Regents pursuant to CEQA so long as the modification does not result in new or increased significant environmental impacts  May be further delegated within the Office of the President	None
16.	N/A Established under policy	Capital project matters approved by the Regents	In consultation with the General Counsel, execute documents necessary in connection with Regents-approved capital project matters	In consultation with the General Counsel, execute documents necessary in connection with Regents-approved capital project matters  May <u>not</u> be further delegated	No additional authority beyond other existing delegations
17.	DA2596	Appointment of Executive Design Professionals and Execution of Executive Design Professional Agreements	Full Authority per Bylaw 30	Approve the appointment of Executive Design Professionals and execute Executive Design Professional Agreements  May be further delegated within the Office of the President	Approve the appointment of Executive Design Professionals and execute Executive Design Professional Agreements subject to procedures in the Facilities Manual  May be further delegated

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18.	DA0606	Siting of individual buildings or Projects that are generally in accordance with the applicable Long Range Development Plan or are on Regents property such as field stations and research stations which may not be included in the scope of an applicable Long Range Development Plan.	Full Authority per Bylaw 30	Approve siting of individual buildings or projects  May be further delegated within the Office of the President	Approve siting of individual buildings or projects  May be further delegated to the Sole Campus Capital Designee – a direct report to the Chancellor, or the Sole Medical Center Capital Designee – a medical center Officer, but may <u>not</u> be further delegated
19.	DA2564	Bid Solicitations and Execution of Construction Contracts	Full Authority per Bylaw 30	Approve solicitation of bids and execute contracts for construction  May be further delegated within the Office of the President	Approve solicitation of bids and execute contracts for construction, subject to procedures and standard contracts in the Facilities Manual  May be further delegated
20.	N/A	Modifications to the Facilities Manual	Full Authority per Bylaw 30	Approve modifications to the Facilities Manual  May be further delegated within the Office of the President	None
21.	DA1039	University of California Procedures for Implementation of the California Environmental Quality Act (Procedures)	Full Authority per Bylaw 30 and Regents Policy on Capital Project Matters	Implement the Procedures, consulting with General Counsel as appropriate  May be further delegated within the Office of the President	For capital projects or transactions approved under your authority, implement the Procedures in accordance with Volume 2, Chapter 5 of the Facilities Manual