

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA DELEGATING CONTRACTING AUTHORITY
TO IMPLEMENT THE MASTER CONTRACT LIST FOR FISCAL YEAR 2010**

WHEREAS, the Board of Supervisors will approve a Budget for Fiscal Year 2009-2010 in May, 2009; and

WHEREAS, in order to provide the County programs, services, and activities contemplated in the proposed Budget, it is necessary and desirable for the County to contract for certain services; and

WHEREAS, the Board desires to streamline this contracting process to the extent feasible, while retaining appropriate oversight and controls, and ensuring compliance with legal requirements and the County's contracting policies; and

WHEREAS, delegating authority to department and agency heads to negotiate and execute contracts to implement the budget is appropriate, considering the multiple contractual arrangements required to facilitate the provision of these programs, services and activities, and the need for expeditious and timely provision of contracted services;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara:

1. Delegated Authority to Enter into Contracts. The Board hereby authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to negotiate and execute new contracts or amendments to existing contracts as described in said Exhibit A, which is attached hereto and incorporated herein by this reference, and subject to all of the terms and conditions described in this Resolution. The projected dollar amount for contracts listed in Exhibit A means that the total contract value may not exceed 10% over the described amount for Fiscal Year 2009-2010, unless the County Executive's Office of the Budget and Analysis (OBA) verifies the contract amount as within the Board approved budget for Fiscal Year 2009-2010, including any subsequent budget modifications. All contracts are contingent on availability of funding.

2. Delegated Authority to Enter into Subsequent Amendments to Contracts. The Board also authorizes the specified agency and department heads to execute amendments to the contracts listed in Exhibit A provided that the contract as amended is consistent with the authority granted by this Resolution, the term of the subsequent amendment does not exceed one year, (the maximum term as stated in the contract including all options to extend the End Date as indicated on Exhibit A is not exceeded), the scope of services is not expanded, and the compensation does not exceed 10% of the Projected Dollar Amount as listed in Exhibit A unless OBA verifies the new contract amount as within the Board approved budget for Fiscal Year 2009 - 2010. All amendments are contingent on availability of funding.

3. Delegated Authority for Grant Agreements. The Board hereby authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to submit grant applications described in Exhibit A and to execute the resulting grant agreement, any necessary amendments thereto, and any documents necessary to receive and implement the grant, provided the agreement is consistent with the authority extended by this Resolution. For grant agreements, the Projected Dollar Amount listed in Exhibit A may be increased without limit.

4. Delegated Authority for Revenue Agreements. The Board hereby authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to execute revenue agreements, any necessary amendments thereto, and any documents necessary to receive and implement the revenue, provided the agreement is consistent with the authority extended by this Resolution. For revenue agreements, the Projected Dollar Amount listed in Exhibit A may be increased without limit.

5. Contract Term. The End Date listed on Exhibit A is the maximum term as stated in the contract. No contract may be extended beyond the End Date pursuant to the delegation of authority. No contract term may exceed the maximum term allowed pursuant to applicable Board policy.

6. Duration of Delegation. For contracts and amendments described in Exhibit A the delegation of authority granted by this Resolution extends through June 30, 2010 for contracts and up to June 30, 2014 for grant or revenue agreements. The contract start date may be no later than June 30, 2010.

7. Delegation of Authority to Provide Interim Contract Extensions. The Board intends to provide continuity of programs, services and activities while contracts authorized by this Resolution are negotiated and executed. The Board hereby authorizes and delegates authority to the specified agency and/or department heads to execute contract amendments to extend the term of current contracts due to expire on or before June 30, 2009 with the contractors described in Exhibit A for the same services, up to and including December 31, 2009. For contracts removed from the list as originally presented to the Board on May 19, 2009, the listed agency and/or department head is authorized to extend that contract with the same contractor for the same services up to and including September 30, 2009, absent Board direction to the contrary. Either a contract extension or a newly executed contract must be in effect to continue the provision of services.

8. County Counsel and County Executive Approval; Compliance with Contracting Policies. Prior to execution by the department head, all contracts grant agreements, revenue agreements and contract amendments listed in Exhibit A are subject to approval as to form and legality by the Office of the County Counsel, either by using an unmodified pre-approved boilerplate or by submitting to County Counsel for review, and shall conform to all Board contracting policies, unless otherwise specifically approved by the Board. Prior to execution by the agency or department, all contracts, grant agreements, revenue agreements and contract amendments listed in Exhibit A are subject to approval by the Office of the County Executive.

9. Copies to Clerk of the Board. An agency and/or department head granted authority to negotiate and execute a contract pursuant to this Resolution shall provide a PDF copy of the executed contract to the Clerk of the Board within 30 days of execution, together with a Delegation of Authority Cover Sheet. The department shall designate a specific location for all original copies of the contracts or other subsequent amendments in the department.

10. Budgeted Amount; Authority to Encumber Funds. An agency and/or department head granted authority to negotiate and execute a contract pursuant to this Resolution has authority to encumber the requisite funds for the contract. The requisite funds must be encumbered within the Fiscal Year 2009-2010 approved budget.

11. Report in Subsequent Year. OBA shall provide a report to the Board regarding the exercise of the authority granted pursuant to this Resolution in the subsequent fiscal year.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on May 19, 2009 by the following vote:

AYES:

NOES:


ABSENT:

Liz Kniss, President
Board of Supervisors

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Kristin Baker
Deputy County Counsel