

RESOLUTION NO. 2020-01

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN DIEGO COMMUNITY POWER
ADOPTING A DELEGATED CONTRACT AUTHORITY
POLICY**

A. San Diego Community Power ("SDCP") is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code § 6500 *et seq.*, California Public Utilities Code § 366.2, and a Joint Powers Agreement effective on October 1, 2019 ("JPA Agreement").

B. The JPA Agreement provides that the SDCP Board of Directors may adopt policies for procuring SDCP operational needs, such as professional services, equipment, and supplies; and

C. The JPA Agreement further provides that the Chief Executive Officer may enter into and execute contracts in accordance with the criteria and policies established by the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of San Diego Community Power as follows:

Section 1. The Board of Directors hereby adopts the Delegated Contract Authority Policy attached hereto and incorporated herein as Exhibit A. For purposes of the attached policy, SDCP's Interim Executive Officer shall have the same powers and duties as the Chief Executive Officer.

Section 2. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.


Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of San Diego Community Power held on February 27, 2020.


Joe Mosca, Chair
San Diego Community Power


Megan Wiegelman, Interim Secretary
San Diego Community Power

Approved as to form:


Nicholaus Norvell
Assistant General Counsel

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAIN: _____

San Diego Community Power
Delegated Contract Authority Policy

Purpose:

It is in the interest of San Diego Community Power (“SDCP”) to establish administrative contracting procedures that facilitate efficient business operations for SDCP.

Policy:

1. The CEO is authorized as follows without prior Board approval:
 - a. To execute contracts of up to \$125,000 for goods and services; provided, however, that all new contracts in excess of \$50,000 shall be reported at the next regular Board meeting. This authorization does not include power supply or wholesale energy services. SDCP shall comply with all legal requirements applicable to the award of the contract, if any.
 - b. To increase the aggregate contract price of Board-approved non-energy contracts by no more than 10% of the original contract price over the life of the contract.
 - c. To delegate signature authority for purchases of goods or services to other SDCP senior staff members up to the amount of \$50,000. Such delegation shall be memorialized in a written instrument signed by the CEO and maintained by SDCP.
2. Prior to signing any contracts requiring the expenditure of money, the individual signing shall ensure: (1) that all contract expenses have been budgeted for in the current SDCP budget; (2) that adequate funds have been appropriated by the Board; (3) that such funds are unexpended, unencumbered, and sufficient to pay the expenses of the contract, and (4) that the contract has been reviewed and approved as to form and content by the General Counsel or his/her designee.
3. For any contracts, whether Board-approved or executed under delegated authority, the CEO is further authorized to exercise all rights and powers specified under the contract as belonging to SDCP, including but not limited to, changes in original scope, authorization of subcontractors, amendments (provided that the amendment shall be consistent with the limits in this Policy), assignment, insurance, termination, and to perform other acts related to the delivery of non-energy goods and services under the contract. Exception: For scope changes to Board-approved contracts, any core programmatic changes of more than 25% of the original scope shall be approved by the Board.