

**BOARD OF TRUSTEES  
OF THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT**

**RESOLUTION NO. 36/21-22  
DELEGATING AUTHORITY PURSUANT TO EDUCATION CODE SECTION 17604  
TO THE SUPERINTENDENT OR DESIGNEE, INCLUDING THE DEPUTY  
SUPERINTENDENT OR DESIGNEE TO AWARD CONTRACTS, INCLUDING  
CONSTRUCTION CONTRACT CHANGE ORDERS, SUBJECT TO BOARD  
RATIFICATION**

**WHEREAS**, the San Mateo-Foster City School District (“District”) is a California public school district that can only be contractually bound by action of the District’s Board of Trustees (“Board”); and

**WHEREAS**, Education Code section 17604 authorizes a school district's governing board, by a majority vote, to delegate to the district’s superintendent, or to any persons he or she may designate, to award contracts, subject to the provision that “no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, the approval or ratification to be evidenced by a motion of the board duly passed and adopted”; and

**WHEREAS**, “contracts” include modifications to contracts, which include construction contract change order(s) (“Change Order(s)”); and

**WHEREAS**, Change Orders include, but are not limited to, those made pursuant to Public Contract Code section 20118.4 which authorizes a governing board of a school district to proceed with the performance of a change or alteration to a construction contract awarded under Public Contract Code section 20111 for design-bid-build projects without the formality of securing bids, if the cost agreed in writing with the contractor, does not exceed ten percent (10%) of the original contract price (“10% Rate”); and

**WHEREAS**, the 10% Rate does not apply to Change Orders that are not issued under Public Contract Code section 20118.4, such as those for design-build projects under Education Code section 17250.10 and lease-leaseback projects under Education Code section 17406; and

**WHEREAS**, the Board desires to streamline the procurement of goods and services for the benefit of the District by delegating authority to award contracts, including Change Orders, subject to monetary limitations and ratification by the Board at subsequent meetings thereof; and

**WHEREAS**, delegating authority to designated District staff to award individual Change Orders under Public Contract Code section 20118.4 up to the 10% Rate, and all other contracts, subject to Board ratification, would improve the efficiency of contract administration and avoid delays.

**NOW, THEREFORE, BE IT RESOLVED**, for good and sufficient cause based on the entire record of proceedings, the Board hereby resolves, determines, and finds the following:

**Section A.** That the above recitals are true and correct.

**Section B.** That the Board hereby delegates the authority to award individual Change Orders under Public Contract Code section 20118.4 up to 10% of the original contract price, and all other contracts, pursuant to its authority under Education Code section 17604 to the District's Superintendent, or designee(s). For purposes of this Resolution, Board authorized designees of the Superintendent with maximum authority under this Resolution are:

1. Chief Business Official and his/her designee(s):
  - a. Individual Change Order under Public Contract Code section 20118.4: **10% of the original contract price.**
  - b. All other contracts.

**Section C.** That all District contracts, including Change Orders, awarded pursuant to the delegation in this Resolution shall be submitted to the District's Governing Board for ratification.

**Section D.** That the District's Superintendent is authorized pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

The foregoing Resolution was considered, passed, and adopted by the Board at the District's regular Board meeting of June 9th, 2022.

**AYES IN FAVOR OF THIS RESOLUTION:**

**NOES AGAINST THIS RESOLUTION:**

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**ABSTAINED:**

**ABSENT:**

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Dated: \_\_\_\_\_

By: \_\_\_\_\_

Alison Proctor  
President, Board of Trustees  
San Mateo-Foster City School District

**Attest:**

\_\_\_\_\_  
Noelia Corzo  
Clerk, Board of Trustees  
San Mateo-Foster City School District

I, Noelia Corzo, the Clerk of the Board of Trustees of the San Mateo-Foster City School District of San Mateo County, California, hereby certify that the foregoing is a true and correct copy of Resolution No. 36/21-22 which was duly adopted by said Board at a regular meeting thereof held on the 9<sup>th</sup> day of June 2022, and that it was so adopted by the vote indicated above.