



Number 02-03 A8

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Page 1 of 3

# CONTRACTING AUTHORITY POLICY

Approved:

Dr. Elliot Weinstein, Chair

**PURPOSE**

In order to fulfill inherent fiduciary responsibilities and to preclude unwarranted expenditures, it is prudent to clearly establish the authority to enter into contractual agreements on behalf of First 5 San Bernardino. Adoption of this policy will prescribe that only the Commission has the authority to approve contractual agreements, unless the Commission specifically delegates this authority to another party.

**POLICY**

It is the policy of First 5 San Bernardino that the Commission has sole authority to approve contractual agreements and the Chair shall sign such contracts on behalf of the Commission, unless otherwise directed by the Commission or provided for by law.

**GUIDELINES**

At times, it may be advantageous, necessary or appropriate to enter into a contractual agreement to purchase goods or obtain services, without the delay that may result in obtaining the Commission's specific approval for such action. To manage such functions, the Commission retains an Executive Director who is responsible for providing oversight of the First 5 San Bernardino program and who has been delegated contracting authority. Additional limited authority for expenditures has been delegated to the Assistant Director. In the event the Executive Director is not available to approve such agreements and or expenditures, the Assistant Director has expenditure authority for the acquisition of goods, supplies, and services necessary for the efficient operation of First 5 San Bernardino not to exceed \$25,000.

The Executive Director is authorized to enter into contractual agreements and approve expenditures for amounts not to exceed \$50,000 for the acquisition of any goods, supplies and services necessary for the efficient operation of First 5 San Bernardino and to designate the disposition of assets acquired by partners through the investment process based on approved guidelines upon expiration of partner agency contracts.

All contractual agreements and expenditures not exceeding \$50,000, other than those necessary for the efficient operation of First 5 San Bernardino, must be approved by the Executive Director and the designated Commissioner.

At the discretion of the Executive Director, First 5 San Bernardino can respond to funding opportunities with letters of intent and/or grant applications. Upon award of State, Federal and/or foundation monies, Executive Director will seek approval from the Commission for designation, reallocation and/or other contracting obligations.

All actions under this policy shall be in accordance with all applicable state laws as well as the strategic plan and the annual budget as approved by the Commission, authorized pursuant to the Children and Families Act of 1998 and included within the annual audit of the Commission program.

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**GUIDELINES,  
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The following guidelines will apply to ensure adherence to this policy:

- Commission officials and staff members at all levels shall not provide oral or written commitments that may be construed as binding by any other party or which may lead to claims against the Commission. In any discussion relating to the acquisition of goods and services, it shall be emphasized to the other party that there is no commitment unless approval has been given by the Commission.
- The Commission office shall establish and adhere to internal procedures for requesting and acquiring goods, supplies, and services.
- The Commission authorizes the Executive Director and a designated Commissioner to jointly approve contractual agreements and expenditures on behalf of the Commission, where the aggregate amount does not exceed \$50,000 per vendor or scope of service per fiscal year, unless otherwise directed by the Commission or provided for by law. Commissioner approval is not required in instances where such contractual agreements and expenditures are solely for the acquisition of goods, supplies and services necessary for First 5 San Bernardino's normal business operations.
- The Commission authorizes the Executive Director to designate the disposition of assets acquired by partners through the investment process based on approved guidelines upon expiration of partner agency contracts.
- The Commission further authorizes the Assistant Director to approve and authorize purchases for the acquisition of goods, supplies, and services necessary for the efficient operation of First 5 San Bernardino for amounts not exceeding \$25,000.
- Emergency acquisition of any item or service may be made by any Commission official or staff member under the following conditions:
  - When such item or items are immediately necessary for the preservation of life or property; or,
  - In extremely serious situations, such as a declared emergency or disaster, and the item or items are necessary to prevent the occurrence or continuation of conditions threatening the safety, health or emotional well-being of children, prenatal through age five, and their families; or,
  - In cases where the Chair of the Commission or the Executive Director is not immediately available and the item or items are immediately necessary for continued operation and undue delay would cause substantial loss to the Commission, the First 5 San Bernardino program, its service agencies, or their staff members or participants.

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**GUIDELINES,  
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- Any emergency acquisition under \$25,000 purchased solely for the safe, continuous operation of First 5 San Bernardino must be subsequently approved by the Executive Director. Emergency acquisitions under \$25,000 purchased for other than the safe, continuous operation of First 5 San Bernardino must be subsequently approved by the Executive Director and a designated Commissioner. All emergency acquisitions where the aggregate amount exceeds \$25,000 must be submitted to the Commission at the next scheduled Commission meeting.
  - Except as authorized for emergencies, all acquisitions shall be in accordance with the strategic plan and the annual budget as approved by the Commission, authorized pursuant to the Children and Families Act of 1998 and included within the annual audit of the Commission program.
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