

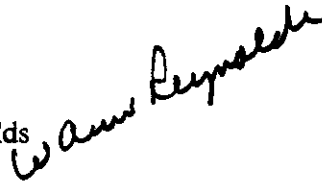
THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
400 Golden Shore  
Long Beach, California 90802-4275

(213) 590-5501

**Date:** May 1, 1984

**To:** Presidents

**From:** W. Ann Reynolds  
Chancellor



**Subject:** Sole Source Electronic Data-Processing and Telecommunications Acquisition Approvals — Delegation of Authority — Executive Order No. 436

By the attached Executive Order, authority is delegated to the Presidents to administer sole source electronic data-processing and telecommunications procurements within the requirements of the law. The Executive Order authorizes the President to delegate this authority to a position no lower than a Vice President for procurements above a monetary level that will be identified in a separate coded memorandum and to a position no lower than the Chief Business Officer for procurements below that monetary level. Nevertheless, it will be the President's responsibility to ensure that appropriate records for post-audit purposes are maintained for all sole source EDP/telecommunications acquisitions.

Senate Bill No. 129, enacted in the 1983 Legislative Session as Chapter 1231 included changes to the Public Contract Code concerning acquisition of electronic data-processing goods and services. Section 12100.5 was added to the Public Contract Code clarifying the CSU electronic data-processing contractual authority. The legislation excludes the CSU from the supervision and approval of the Department of General Services for contracts involving an expenditure under \$100,000 and includes the requirement that the CSU follow all the procedures prescribed in the law for EDP acquisition, including, but not limited to, competitive bidding requirements.

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**Distribution:** Vice Presidents for Administration/Business Affairs  
Vice Presidents, Academic Affairs  
Business Managers  
Directors of Computer Centers/ADP Managers  
Procurement and Support Services Officers  
Chancellor's Office Staff  
Administrative Information Center

Executive Order No. 436

One of these requirements states that the Director of General Services must approve all sole source purchases of EDP goods and services. As applied to the CSU, this requirement means that the CSU must follow the same review criteria but may substitute its own officer, at an appropriate level, to approve sole source EDP transactions under \$100,000. If we parallel the Public Contract Code the approval would normally rest with a Vice Chancellor. We have elected, however, to delegate this authority to the campus President or designee at an appropriate level.

In addition to EDP procurement, telecommunications procurement was also the subject of legislation in the 1983 session. Assembly Bill No. 1119 enacted as Chapter 791 added Sections 12120 and 12121 to the Public Contract Code to provide that telecommunications procurement follow the same procedures as those required for EDP procurement. Thus, this Executive Order addresses both EDP and telecommunications procurement in its delegation of authority.

This new legislation granting the Trustees authority for procurements under \$100,000, as with the increased procurement authority previously enacted in Senate Bill No. 653, terminates January 1, 1987, unless legislatively extended. Therefore, continued care must be taken to provide sufficient safeguards ensuring that we properly administer our expanded authority in a manner warranting legislative support for its continuation beyond 1986.

We look forward to your continued assistance in effective and responsible implementation of the CSU procurement authority.

WAR:lf

Attachment

**THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
400 Golden Shore  
Long Beach, California 90802-4275**

**Executive Order:** 436  
**Title:** Sole Source Approval for Electronic Data-Processing and Telecommunications Acquisitions — Delegation of Authority  
**Effective Date:** May 1, 1984  
**Supersedes:** No Prior Executive Order

This Executive Order is issued pursuant to authority of Sections 1, 2 and 4(e) of Chapter III of the Standing Orders of the Board of Trustees of The California State University.

The purpose of this Executive Order is to delegate authority for the implementation of the provisions of Section 12100 et seq. and Section 12120 et seq. of the Public Contract Code relating to the acquisition by The California State University of electronic-data processing goods and services and telecommunications goods and services involving an expenditure of less than \$100,000.

Effective immediately, each campus President is delegated authority to approve all non-competitive (sole source) or limited competitive (limited to a single make or model) EDP or telecommunications acquisitions.

Such acquisitions may be authorized only when one of the following conditions exist:

1. When it is clearly demonstrated that a service or a product of a specific brand or trade name is the only service or product that will properly meet the needs of the campus.
2. In cases of emergency when immediate acquisition without full competition is necessary for the protection of the public health, welfare or safety.

(See Public Contract Code Section 12102(a).)

This authority may be delegated by the President to a level no lower than a Vice President, for procurements above a monetary level identified in a separate coded memorandum issued by the Office of the Chancellor, and to the Chief Business Officer, for procurements below that monetary level. The delegation made and authorized by this Executive Order shall be exercised in accordance with the conditions of this Executive Order and the policies and procedures contained in separate coded memoranda.

The authority delegated herein may be further conditioned or rescinded on a systemwide or individual campus basis by the Chancellor or designee as may be necessary or desirable for legal, economic, or policy reasons. Appropriate policies and procedures will be adopted and communicated to the campuses in coded memoranda, the substance of which will be included in the California State University Administrative Manual.

In exercising the authority conferred by this delegation, the President shall comply with all applicable law, policies and procedures of the Board of Trustees, the Chancellor and designees, including policies and procedures communicated to the campuses in coded memoranda and/or in the CSU Administrative Manual.

The authority delegated herein terminates January 1, 1987 unless legislatively extended (Public Contract Code Section 12100.5; Stats. 1983, Ch. 1231).

A handwritten signature in cursive script, reading "W Ann Reynolds", is written above a horizontal line.

W. Ann Reynolds, Chancellor

Date: May 1, 1984