

BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2012-39

SUBJECT: Board of Trustees Contract Approval For Capital Procurements

WHEREAS, District of Columbia law (D.C. Official Code §38-1202.01(8)) provides for the Board of Trustees of the University of the District of Columbia (“University”) to procure and contract for goods and services including construction; and

WHEREAS, the purpose of the proposed rule is to provide an approval process which allows the University to procure goods and services efficiently by requiring approval of all Capital Procurements on an annual basis; and

WHEREAS, the proposed rule will increase the threshold for Board of Trustee approval of subsequent Capital Procurement contracts and change orders/modifications, resulting in a shorter, more efficient solicitation process;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby takes proposed rulemaking action to amend Chapter 2 of the University Rules (Title 8B DCMR) to increase the threshold for Board approval for Capital Procurements as indicated in the Notice of Proposed Rulemaking; and

BE IT FURTHER RESOLVED that the General Counsel is hereby directed to publish this Notice of Proposed Rulemaking in the D.C. Register as soon as is practicable for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505 (a).

BE IT FURTHER RESOLVED that all prior inconsistent resolutions, customs, procedures and practices are hereby repealed.

Submitted by the Facilities Committee:

July 12, 2012

Approved by the Board of Trustees:

September 27, 2012



Elaine A. Crider
Chairperson of the Board

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a) and 38-1202.06 (8) (2001 & 2012 Supp.)) hereby gives notice of its intent to amend chapter 2 (The President of the University) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the proposed rule is to require annual Board approval of Capital Procurements and to increase the threshold for Board of Trustee approval of Capital Procurement contracts and change orders/modifications. The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Chapter 2, THE PRESIDENT OF THE UNIVERSITY, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 205, EXECUTION OF CONTRACTS AND OTHER DOCUMENTS, is amended as follows:

Subsection 205.4 is amended to read as follows:

205.4 Specific authorization by the Board shall be required for the following documents or any transaction that would establish an exception to the University Rules as set forth in this subtitle:

- (a) Any commitment for more than seven (7) years; or

- (b) All Capital Procurements as presented in the Capital Budget on annual basis;
- (c) Each transaction that would require any of the following:
 - (1) Modification of the financial plan in excess of the reprogramming authority delegated to the President;
 - (2) Modification of the Capital Budget; or
 - (3) Obligating the University to expenditures or costs for which there is no established funding source.
- (d) Any contracts and change orders/modifications, other than those already approved in the Capital Budget, resulting in a commitment of greater than four million dollars (\$4,000,000) in a single fiscal year for any Capital Procurement; and
- (e) Any commitment greater than one million dollars (\$1,000,000) in a single fiscal year for all other University Procurements.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to smills@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Execution of Contracts and Other Documents" in the subject line. Copies of the proposed rules may be obtained from the Office of General Counsel at the address set forth above.