

ADMINISTRATIVE REGULATION **REVISED AR12-01**
Mayor Steve Bach

DATE: June 1, 2012

TOPIC: Contract Signature Delegation

LEGAL AUTHORITY: City Charter §§ 4-10, 4-40(d), (f), (g) and (k)
City Code §§ 1.2.313, 1.2.314, 1.2.404, 1.2.408(B)

1.0 Purpose and Scope: This administrative regulation identifies those persons and positions who may execute municipal contracts on behalf of the Mayor. This Administrative Regulation does not apply to Intergovernmental Agreements, Executive Agreements, Colorado Springs Utilities contracts, Memorial Health System Contracts, or any other type of legal instrument or document.

2.0 Terms Defined:

2.1 "Contract" - An agreement between the City's municipal government and a third party for which an offer of goods or services is made and accepted for consideration, regardless of the title of the document. For purposes of this administrative regulation, "Contract" does not include any agreement by which future intentions, actions or relationships are outlined, defined or anticipated, or any contract or agreement subject to the provisions of the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Assets.

This administrative regulation also does not apply to activities defined as "Contract Administration" functions such as change orders, amendments, task orders, and purchase orders in furtherance of a previously executed contract.

2.2 "Department Heads" - Those municipal officers appointed by the Mayor pursuant to City Charter § 4-40(f). "Department Heads" shall also include those persons who have operational or supervisory authority over public works, parks, community development, the Colorado Springs Airport, the municipal enterprises, and any director or manager of a City Department, division, office, agency or enterprise if the Mayor's appointment authority is set forth by ordinance. For purposes of this

Administrative Regulation, "Department Heads" shall not include the Presiding Municipal Court Judge or the Municipal Court Judges.

2.2 "Consideration" – Anything of value, including any direct or indirect service, benefit, cash, or other tangible or intangible asset, regardless of whether or how the service, benefit, or other tangible or intangible asset can be measured. The determination of consideration is administrative in nature.

2.3 "Sign" or "Signature" – The physical or electronic marking of a contract by the Mayor or the Mayor's delegate intended to approve and execute the contract.

3.0 PROCEDURE

3.1 In General:

3.1.1 The Mayor retains ultimate authority to approve and execute all contracts of any amount, and to delegate approval authority in accordance with the City of Colorado Springs Procurement Rules and Regulations.

3.1.2 Prior to exercising any authority or delegation, Department Heads, Chief of Staff, and the Procurement Services Manager must verify that any contracts that are not executed in accordance with a standard pre-approved City form has been approved as to form by the City Attorney's Office in accord with City Code § 1.2.404.

The appropriate Department Head must ensure that sufficient funds have been appropriated to satisfy the City's liability under the contract in accord with City Charter § 7-60.

3.1.3 To facilitate efficient operations, Department Heads and the Chief of Staff shall timely review, approve and execute contracts, or forward the contract in accord with Section 3.2, below. If the Chief of Staff or the Mayor has questions regarding the contract, the Department Heads and Chief of Staff, as applicable, shall likewise respond to those questions in a timely manner.

3.1.4 Subject to the authorization and delegation in Section 3.2, below, Department Heads and the Chief of Staff may further delegate the authority granted by this Administrative Regulation to senior staff within their administrative structures. Further delegation must be consistent with this Administrative Regulation and must be

in writing, signed by the applicable Department Head or Chief of Staff, copies of which must be provided to the Mayor and the City Attorney.

3.2 Delegation and Authority: The Mayor hereby delegates to Department Heads and to the Chief of Staff full authority to approve and execute contracts by signature subject to the following restrictions notwithstanding and pursuant to the Procurement Rules & Regulations:

3.2.1 Department Heads or their authorized designee may approve and execute by signature contracts having articulated consideration of not more than Nineteen Thousand Nine Hundred Ninety Nine Dollars (\$19,999.00).

3.2.2 For contracts having articulated consideration between Twenty Thousand Dollars (\$20,000.00) - \$200,000, Department Heads shall review and may recommend approval by initialing and dating the contract and forwarding it to the Chief of Staff or Procurement Services Manager for approval, either written or electronic.

3.2.4 For contracts having articulated consideration of Two Hundred Thousand Dollars (\$200,000.00) or more, the Chief of Staff shall review and may recommend approval by initialing and dating the contract and forwarding it to the Mayor for approval and execution by signature.

3.3 Effect. A Department Head's, the Chief of Staff's or a senior staff member's approval and execution of a contract by signature shall be recognized as approval and execution of the contract by the Mayor, so long as the delegation of authority exercised by the Department Head, the Chief of Staff or the senior staff member is in compliance with this Administrative Regulation.

4.0 Miscellaneous.

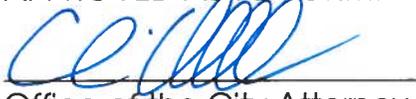
4.1 This Administrative Regulation shall be effective as of **July 1, 2012**, and shall remain in effect until amended or rescinded.

4.1 This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City's website.



Steve Bach, Mayor

APPROVED AS TO FORM:



Office of the City Attorney