

The City University of New York

Office of the General Counsel and Vice Chancellor for Legal Affairs

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**Administrative Advisory
Memorandum No. 15**

April 8, 1992

To: College Presidents
From: Vice Chancellor Robert E. Diaz 
Re: Board Resolutions for CUNY Contracts

Attached to this Advisory is a group of model Board Resolutions recommended for your administrative use. The purpose of circulating these Resolutions is twofold. Uniform Resolutions for similar transactions will assist the Board of Trustees in its statutory task of approving University contracts; they will also facilitate the task of administrative employees on your campus who may be responsible for ensuring the safe passage of hundreds of such agreements each year.

Resolutions I to VIII cover purchases of goods or services by your Business Office. They cover the several different types of contracts into which the University may legally enter as well as providing Resolutions for renewal of contracts and for amendment to Resolutions. Resolution IX may be used when submitting clinical affiliation agreements for Board approval. Resolutions X through XVI apply to construction contracts funded from the capital budget and administered by the University Office of Design, Construction and Management.

Please circulate copies of the model Resolutions to the appropriate officers on your campus.

Encls.

c: Vice Presidents of Administration and Finance
Business Managers
Purchasing Agents
Vice Chancellors

DHM/ip/AAM#15

I. PURCHASE OF GOODS

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College to purchase _____ [goods]. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$_____, chargeable to FAS Code _____. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION:

II. USE OF EXTERNAL CONTRACT FOR GOODS

RESOLVED, that the Board of Trustees of The City University of New York authorize _____ College to purchase _____ [goods] from _____ [vendor] under existing Board of Education of The City of New York [or City of New York or State of New York] Contract Number _____ pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$_____, chargeable to FAS Code _____.

EXPLANATION:

III. PURCHASE OF GOODS WITHOUT COMPETITIVE BIDDING

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College to purchase _____ [goods] from _____ [vendor] without competitive bidding and pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$_____, chargeable to FAS Code _____. The contract shall include up to four annual options for the College to renew in its best interest. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: [must include a clear, concise explanation of why competitive bidding is not appropriate for this contract - e.g., parts and additional equipment are available only from the original vendor or manufacturer.]

IV. PURCHASE OF SERVICES WITH RENEWAL OPTION

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College to purchase _____ [services]. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$_____ for the annual period from _____, 19____, to _____, 19____, chargeable to FAS Code _____.

_____. The contract shall include up to four annual options for the College to renew in its best interest. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION:

V. USE OF EXTERNAL CONTRACT FOR SERVICES

RESOLVED, that the Board of Trustees of The City University of New York authorize _____ College to purchase _____ [services] from _____ [vendor] for the annual period from _____, 19__ to _____, 19__, under existing Board of Education of The City of New York [or City of New York or State of New York] Contract Number _____ pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$ _____ chargeable to FAS Code _____.

EXPLANATION:

VI. PURCHASE OF SERVICES WITHOUT COMPETITIVE BIDDING

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College to purchase _____

[services] from _____ [vendor] without competitive bidding and pursuant to law and University Regulations for the annual period from _____, 19__ to _____, 19__. Such purchase shall not exceed a total estimated cost of \$_____, chargeable to FAS Code _____. The contract shall include up to four annual options for the College to renew in its best interest. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: [must include a clear, concise explanation of why competitive bidding is not appropriate for this contract - e.g., this vendor is the only one licensed by manufacturer to maintain manufacturer's equipment .]

VII. RENEWAL OF CONTRACT

RESOLVED, that the Board of Trustees of The City University of New York authorize _____ College to renew contract Number _____ with _____ [vendor] for the purchase of _____ [goods or services] for the annual period from _____, 19__, to _____, 19__, at a total cost of \$_____, chargeable to FAS Code _____.

EXPLANATION: This is the [first/second/third/fourth] of the four renewal options specified in the contract [include description of purpose]. Original Calendar No. _____, dated _____. The contract price for the year now ending was _____.

\$_____. The estimated cost for the renewal term is justified by [an increase of ____% in the prevailing wage rate/consumer purchasing index/cost of living allowance/other increase justified by law].

VIII. AMENDMENT TO A RESOLUTION AUTHORIZING AWARD

RESOLVED, that the Board of Trustees of The City University of New York, amend the resolution adopted at the meeting of _____ (Cal. No. __) for _____ [goods/services] at _____ College, to authorize an increase in the estimated cost from \$_____ to a new cost of \$_____, chargeable to FAS Code _____ [or Capital Project No. HN-_____ or CUNY Project No. _____].

EXPLANATION: The increased cost is justified by [an increase of _____ % in the prevailing wage rate/local inflation rate/industry costs/other increase justified by law.]

IX. AFFILIATION AGREEMENT

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College to enter into an affiliation agreement with _____ [Facility] for the annual period from _____, 19__ to _____, 19__, to enable students enrolled in the College's _____ program to obtain

the appropriate clinical experience necessary for the completion of degree requirements. Neither party to this agreement is obligated to pay any monetary consideration to the other. The agreement is for a one year period and shall include up to four annual options for the College to renew in its best interest. The agreement is subject to approval as to form by the University Office of General Counsel.

EXPLANATION:

X. CITY-FUNDED CONTRACT FOR DESIGN AND SUPERVISION OF
CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract with the firm of _____ for architectural and engineering services for the design and supervision of construction for various alteration and restoration projects at _____ College, CUNY Project No. _____. The total estimated cost shall not exceed \$_____, chargeable to Capital Project No. HN-____. The contract shall be subject to approval as to form by the University Office of General Counsel.
Be it further

RESOLVED, that the Director of the City Office of Management and Budget be requested to approve the funding necessary for said

contract.

EXPLANATION: [Include explanation of procedures used to choose this firm]

XI. STATE-FUNDED CONTRACT FOR DESIGN AND SUPERVISION OF
CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract with the firm of _____ for architectural and engineering services for the design and supervision of construction for various rehabilitation projects at _____ College, CUNY Project No. _____. The total estimated cost shall not exceed \$_____, chargeable to the State Capital Construction Fund. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: [Include explanation of procedures used to choose this firm]

XII. APPROVAL OF DASNY-FUNDED CONTRACT FOR DESIGN AND
SUPERVISION OF CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York approve a contract with the firm of _____, for the preparation of programs, plans, specifications and cost estimates for a _____ at _____ College, CUNY

Project No. _____, and be it further

RESOLVED, that the City University Construction Fund be requested to authorize the Dormitory Authority of the State of New York to enter into a contract for the design of the aforesaid construction project.

EXPLANATION: [Include explanation of procedures used to choose this firm.]

XIII. ACCEPTANCE OF PRELIMINARY PLANS AND OF COMPLETION OF PLANS BY DASNY

RESOLVED, that the Board of Trustees of The City University of New York accept the preliminary design plans, outline specifications and construction cost estimate of \$_____ (as of _____, 19____) for the _____ Building, as prepared by _____; and be it further

RESOLVED, that the City University Construction Fund be requested to accept the aforesaid preliminary plans and to authorize the Dormitory Authority of The State of New York to complete final plans, bid documents and other required documents for the work.

EXPLANATION: [Include reference to calendar date of approval of design firm.]

XIV. CONTRACT FOR CITY-FUNDED CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College for construction of _____ [project]. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations. The contract shall not exceed a total estimated cost of \$ _____, chargeable to City Capital Budget, Project No. _____. The contract shall be subject to approval as to form by the University Office of General Counsel. Be it further

RESOLVED, That the Director of City Office of Management and Budget be requested to approve the funding necessary to award this contract.

EXPLANATION: [Include reference to calendar date of approval of design firm.]

XV. CONTRACT FOR STATE-FUNDED CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of _____ College for construction of _____ [project]. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations.

The contract shall not exceed a total estimated cost of \$_____, chargeable to _____, Project No. _____. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: [Include reference to calendar date of approval of design firm.]

XVI. CONTRACT FOR DASNY-FUNDED CONSTRUCTION

RESOLVED, that the Board of Trustees of The City University of New York accept the Contract Documents and Cost Estimates for the construction of _____ on behalf of _____ College, as prepared by the Consultants and be it further

RESOLVED, that the City University Construction Fund be requested to authorize the Dormitory Authority of the State of New York to award a contract for this construction according to law.

EXPLANATION: [Include reference to calendar date of approval of consultant.]

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