

REQUIRED APPROVAL AND SIGNATURE AUTHORIZATIONS

Notes

1. Subject Matter Category I.A covers subject matter that is subject to the State College Contracts Law, generally purchase of goods or services by the College, with the exception of construction contracts and other contracts in which workers are subject to the New Jersey Prevailing Wage Act.
2. Subject Matter Category I.B covers construction contracts and other contracts subject to the State College Contracts Law in which workers are subject to the New Jersey Prevailing Wage Act.
3. Subject Matter Category II covers any offer, acceptance or contract for the sale, purchase, lease or other conveyance of an interest in real property, including leasehold interests and easements, but excluding subject matter included in Category III.
4. Subject Matter Category III covers construction contract change orders.
5. Subject Matter Category IV covers subject matter not included in Category I.A or I.B or II or III, e.g., sale by the College of intellectual property or contracts for no or indeterminate monetary value.
6. "CA" means the Contracting Agent. The Board has designated as the Contracting Agent the Treasurer or, in the Treasurer's absence, the Treasurer's deputy in charge.
7. "RO" means the "Responsible Officer", which is the cognizant Vice President.
8. Irrespective of the required approval for a contract or purchase, the Contracting Agent shall make the final determination of any bid protest for contracts of any amount, after consultation with the General Counsel.
9. Listed Required approvals are in addition to and not in lieu of any other approval, restriction or requirement mandated by: (i) the State College Contracts Law, N.J.S.A. 18A:64-52 *et seq.* (e.g., Board approval of waiver of public bidding for certain contracts involving excepted subject matter); (ii) applicable public contracting laws, rules and regulations, including N.J.S.A. 52:15C-10 (advance notification to the State Comptroller of the commencement of any procurement process involving consideration or an expenditure of \$12,500,000 or more); (iii) other applicable law; (iv) applicable College procurement policy; and (v) other applicable College policy.
10. Certain subject matter may fall within the exceptions to the requirement of public advertising for bids and public bidding therefor if approved by the Board. N.J.S.A. 18A:64-56.
11. The statutory public bidding threshold is determined pursuant to N.J.S.A. 18A:64-54. The amount set by the State Legislature as of February 17, 2022 is \$100,000 (except the threshold is \$35,500 for contracts in which workers are subject to the New Jersey Prevailing Wage Act), and is subject to periodic revision (See <https://www.state.nj.us/treasury/purchase/adjpubbid052yr.shtml>). Contracts in excess of \$17,500 are subject to additional procurement requirements.
12. Conveyances of real property are subject to applicable College policies (e.g., any such policies regarding a relationship of price to appraised value, requirement for an environmental report, requirement for a title report, funding availability, consistency with a strategic acquisition reserve, etc.).

13. For subject matter categories II and III (real property or construction projects), the RO is the Vice President for Operations, except in transactions of real property between the College and Trenton State College Corporation, in which case the RO shall be the Vice President for College Advancement.
14. "CO" or "Change Order" means a change order in connection with a construction contract. For purposes of this Schedule and the Delegation of Authority to which it is appended, a Change Order is an amendment to a construction contract that results in a change to the terms of that contract.
15. "MDCO" or "Milestone Date Change Order" is a CO that results in a change to a Milestone Date (e.g., Substantial Completion Date).
16. "NMCO" or "Nonmonetary Change Order" is a CO other than an MDCO that results in a nonmonetary change to the construction contract (e.g., change in materials).
17. "CCO" or "Cost Change Order" is a CO that results in a monetary change to the construction contract (e.g., an increase or change in the scope of work resulting in an increase in the construction Contract Price). A CCO should reflect a change in a discrete item (rather than a group or aggregation of unrelated items) in the construction contract scope of work and schedule of values.

**Subject Matter Category I.A.
(Primarily Goods and Services)**

| <u>Subject Matter Category</u> | <u>Level</u> | <u>Contract/Purchase Amount</u> | <u>Required Approval</u> | <u>Required Signatures</u> |
|--------------------------------|--------------|---|--|----------------------------|
| I | 1 | Not more than the statutory public bidding threshold amount | CA ¹ | CA ² |
| I | 2 | Greater than the statutory public bidding threshold amount, but not more than \$250,000 | CA | CA |
| I | 3 | Greater than \$250,000, but not more than \$2,000,000 | CA and RO | CA and RO |
| I | 4 | Greater than \$2,000,000, but less than \$12,500,000 | CA and RO and President | CA and RO |
| I | 5 | Equal to or greater than \$12,500,000 | CA and RO and President and Chair of Business and Infrastructure Committee ³ and Board Chair ⁴ | CA and President |

Subject Matter Category I.A covers subject matter that is subject to the State College Contracts Law, generally purchase of goods or services by the College, with the exception of construction contracts and other contracts in which workers are subject to the New Jersey Prevailing Wage Act (see Subject Matter Category I.B.).

¹ The CA may sub-delegate this authority consistent with applicable College procurement policies and procedures.

² The CA may sub-delegate this authority consistent with applicable College procurement policies and procedures.

³ If the Chair of the Business and Infrastructure Committee is not available, the approval of another trustee designated by the Board Chair (or the Board Vice Chair if the Board Chair is unavailable) may substitute for the approval of the Chair of the Business and Infrastructure Committee.

⁴ If the Board Chair is not available, the approval of the Board Vice Chair may substitute for the approval of the Board Chair.

**Subject Matter Category I.B.
(Primarily Construction Contracts)**

| <u>Subject Matter Category</u> | <u>Level</u> | <u>Contract/Purchase Amount</u> | <u>Required Approval</u> | <u>Required Signatures</u> |
|--------------------------------|--------------|---|--|----------------------------|
| I | 1 | Not more than the statutory public bidding threshold amount | CA ⁵ | CA ⁶ |
| I | 2 | Greater than the statutory public bidding threshold amount, but not more than \$100,000 | CA | CA |
| I | 3 | Greater than \$100,000, but not more than \$2,000,000 | CA and RO | CA and RO |
| I | 4 | Greater than \$2,000,000, but less than \$10,000,000 | CA and RO and President | CA and RO |
| I | 5 | Equal to or greater than \$10,000,000 | CA and RO and President and Chair of Business and Infrastructure Committee ⁷ and Board Chair ⁸ | CA and President |

Subject Matter Category I.B covers the following contracts that are subject to the State College Contracts Law: construction contracts and other contracts in which workers are subject to the New Jersey Prevailing Wage Act.

⁵ The CA may sub-delegate this authority consistent with applicable College procurement policies and procedures.

⁶ The CA may sub-delegate this authority consistent with applicable College procurement policies and procedures.

⁷ If the Chair of the Business and Infrastructure Committee is not available, the approval of another trustee designated by the Board Chair (or the Board Vice Chair if the Board Chair is unavailable) may substitute for the approval of the Chair of the Business and Infrastructure Committee.

⁸ If the Board Chair is not available, the approval of the Board Vice Chair may substitute for the approval of the Board Chair.

**Subject Matter Category II
(Real Property)**

| <u>Subject Matter Category</u> | <u>Level</u> | <u>Contract/Purchase Amount</u> | <u>Required Approval</u> | <u>Required Signatures</u> |
|--------------------------------|--------------|---|--|----------------------------|
| II | 1 | Greater than the statutory public bidding threshold amount, but not more than \$500,000 | CA and RO and President | CA and President |
| II | 2 | Greater than \$500,000, but not more than \$2,000,000 | CA and RO and President and Chair of Business and Infrastructure Committee ⁹ and Board Chair ¹⁰ | CA and President |
| II | 3 | Greater than \$2,000,000, but less than \$12,500,000 | Notice to General Counsel and Board of Trustees of proposed action and approval of final action ¹¹ by CA and RO and President and Board of Trustees | CA and President |
| II | 4 | Not less than \$12,500,000 | Notice to General Counsel and Board of Trustees of proposed action ¹² and approval of final action ¹³ by CA and RO and President and Board of Trustees | CA and President |

Subject Matter Category II covers any offer, acceptance or contract for the sale, purchase, lease or other conveyance of an interest in real property, including leasehold interests and easements, but excluding subject matter included in Category III.

⁹ If the Chair of the Business and Infrastructure Committee is not available, the approval of another trustee designated by the Board Chair (or the Board Vice Chair if the Board Chair is unavailable) may substitute for the approval of the Chair of the Business and Infrastructure Committee.

¹⁰ If the Board Chair is not available, the approval of the Board Vice Chair may substitute for the approval of the Board Chair.

¹¹ Final action shall not include any ministerial or non-substantive changes made to a contract subsequent to the Board's approval, or any action that falls within the authority previously granted to the president or any other officer or a Board trustee by the Board.

¹² Pursuant to N.J.S.A.18A:3B-6.2, within five days of the submission of the College's binding offer to a seller for the purchase of real property equal to or greater than \$10,000,000, the president or designee shall submit a report to the Governor, the Legislature, the Secretary of Higher Education, and the State Comptroller.

¹³ Final action shall not include any ministerial or non-substantive changes made to a contract subsequent to the Board's approval, or any action that falls within the authority previously granted to the president or any other officer or a Board trustee by the Board.

**Subject Matter Category III
(Construction Contract Change Orders)**

| <u>Subject Matter Category</u> | <u>Level</u> | <u>Contract/Purchase Amount and/or Other Classification Criteria</u> | <u>Required Approval</u> | <u>Required Signatures</u> |
|--------------------------------|--------------|---|--|----------------------------|
| III | 1 | MDCO | RO ¹⁴ | RO |
| III | 2 | NMCO | RO ¹⁵ | RO |
| III | 3 | CCO not more than \$100,000 ¹⁶ | RO | RO |
| III | 4 | CCO greater than \$100,000 but not more than \$250,000 ¹⁷ | CA and RO ¹⁸ and President ¹⁹ | CA and RO |
| III | 5 | CCO greater than \$250,000, but not more than \$500,000 ²⁰ | CA and RO ²¹ and President and Chair of Business and Infrastructure Committee ²² and Board Chair ²³ | CA and RO |
| III | 6 | CCO greater than \$500,000 | CA and RO ²⁴ and President and Executive Committee | CA and RO |

Subject Matter Category III covers construction contract change orders.

¹⁴ The RO shall notify the President and Chair of the Business and Infrastructure Committee immediately and the Business and Infrastructure Committee at its next meeting of any material MDCO (changes to a project MilestoneDate that may adversely affect use or occupancy in a significant way).

¹⁵ The RO shall notify the President and Chair of the Business and Infrastructure Committee immediately and the Business and Infrastructure Committee at its next meeting of any material NMCO (nonmonetary change to a project that is likely to detract from its overall utility or aesthetics in a significant way (e.g., a notable reduction in building size)).

¹⁶ Provided that if the aggregate amount of the project CCOs exceeds 10% of the original construction Contract Price, Category III Level 4 Required Approval and Required Signatures and notification requirements shall apply.

¹⁷ Provided that if the aggregate amount of the project CCOs exceeds 10% of the original construction Contract Price, Category III Level 5 Required Approval and Required Signatures and notification requirements shall apply.

¹⁸ The RO shall notify the Business and Infrastructure Committee at its next meeting.

¹⁹ The President may sub-delegate this authority consistent with applicable College policies and procedures.

²⁰ Provided that if the aggregate amount of the project CCOs exceeds 10% of the original construction Contract Price, Category III Level 6 Required Approval and Required Signatures and notification requirements shall apply.

²¹ The RO shall notify the Business and Infrastructure Committee at its next meeting.

²² If the Chair of the Business and Infrastructure Committee is not available, the approval of another trustee designated by the Board Chair (or the Board Vice Chair if the Board Chair is unavailable) may substitute for the approval of the Chair of the Business and Infrastructure Committee.

²³ If the Board Chair is not available, the approval of the Board Vice Chair may substitute for the approval of the Board Chair.

²⁴ The RO shall notify the Business and Infrastructure Committee at its next meeting.

**Subject Matter Category IV
(Miscellaneous)**

| <u>Subject Matter Category</u> | <u>Level</u> | <u>Contract/Purchase Amount</u> | <u>Required Approval</u> | <u>Required Signatures</u> |
|--------------------------------|--------------|--|--|-------------------------------------|
| IV | 1 | Contracts for no or indeterminate monetary value (e.g., academic affiliation agreements; articulation agreements; mutual aid agreements, etc.) | President ²⁵ and either CA or RO | RO or CA or President ²⁶ |
| IV | 2 | Not more than \$100,000 | CA and RO and President ²⁷ | RO or CA or President ²⁸ |
| IV | 3 | Greater than \$100,000, but not more than \$500,000 | CA and RO and President ²⁹ | CA or President ³⁰ |
| IV | 4 | Greater than \$500,000, but not more than \$10,000,000 | CA and RO and President and Chair of Business and Infrastructure Committee ³¹ | CA and President |
| IV | 5 | Greater than \$10,000,000 | CA and RO and President and Chair of Business and Infrastructure Committee and Board Chair ³² | CA and President |

Subject Matter Category IV covers subject matter not included in Category I.A or I.B or II or III, e.g., sale by the College of intellectual property or contracts for no or indeterminate monetary value.

²⁵ The President may sub-delegate this authority consistent with applicable College policies and procedures.

²⁶ The President may sub-delegate this authority consistent with applicable College policies and procedures.

²⁷ The President may sub-delegate this authority consistent with applicable College policies and procedures.

²⁸ The President may sub-delegate this authority consistent with applicable College policies and procedures.

²⁹ The President may sub-delegate this authority consistent with applicable College policies and procedures.

³⁰ The President may sub-delegate this authority consistent with applicable College policies and procedures.

³¹ If the Chair of the Business and Infrastructure Committee is not available, the approval of another trustee designated by the Board Chair (or the Board Vice Chair if the Board Chair is unavailable) may substitute for the approval of the Chair of the Business and Infrastructure Committee.

³² If the Board Chair is not available, the approval of the Board Vice Chair may substitute for the approval of the Board Chair.