

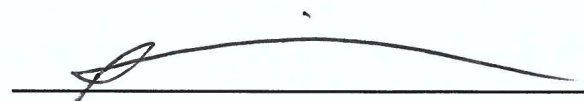
October 19, 2023

**RE: Memorandum for Record amending Clerical Error in UOG Board Resolution No. 23-07 approving the University of Guam's revised Delegation of Authority Policy to conform with 5 G.C.A. §5125**

Pursuant to the UOG Board of Regents Resolution No 21-11 wherein the UOG Board of Regents delegates to the UOG President the authority to correct clerical errors in University policies that have been adapted by the Board of Regents, the portions of the revised Delegation of Authority Policy approved by UOG Board of Resolution No. 23-07 which require the signature of the Guam Attorney General for UOG contracts of \$500,000 or more are a clerical error. Guam Procurement Law states that whenever the Chief Procurement Officer, the Director of Public Works, or the head of any executive branch agency, autonomous agency, instrumentality, or public corporation of the Government of Guam conducts any solicitation or procurement which is estimated to result in an award of \$500,000 or more, the Attorney General or his or her designees, including one or more Special Assistant Attorneys General who may be so designated or appointed by the Attorney General and subject to any reasonable requirements or conditions determined by the Attorney General, shall act as legal advisor during all phases of the solicitation or procurement process. 5 G.C.A. §5150. Here, 5 G.C.A. §5150 is part of Article 2, Sub-article F of Guam's Procurement Law. The University of Guam is subject to Guam's Procurement Law, however, it is not subject to Article 2, inclusive of 5 G.C.A. §5150, or the centralized procurement regime created by Article 2 of Guam's Procurement Law. 5 G.C.A. §5125.

Accordingly, the portions of the of the revised Delegation of Authority Policy approved by UOG Board of Resolution No. 23-07 which require the signature of the Guam Attorney General for UOG contracts of \$500,000 are removed from said policy as a clerical error. The corrected revised Delegation of Authority Policy attached herein shall continue in full force and effect.

DATED this 19<sup>th</sup> day of October, 2023 by:

  
Anita Borja Enriquez, D.B.A., President

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Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96923

*The University of Guam is a U.S. Land Grant and Sea Grant Institution accredited by the WASC Senior College and University Commission. UOG is an Equal Opportunity Provider and Employer committed to diversity, equity, and inclusion through island wisdom values of inadahi yan inagofli'e: respect, compassion, and community.*

# University of Guam

## Delegation of Authority, Review, and Signature Approval Process

These approvals are based on BOR Resolutions: Approval of Procurement Awards and Contracts BOR 13--28 (updating 05--54, 12--18, 13--08); Increase of the Threshold for Small Purchases 18--08 (04--25); and the Purchase Card Program BOR 17--22 (15--26). (BOR 19-24 April 2019) (rev. February 2023, BOR 23-07) (Memorandum for Record amending Clerical Error in BOR 23-07 approving the UOG revised Delegation of Authority to conform with 5 G.C.A. §5125 October 2023)

Spending Amount	Approving Officials
Petty cash up to \$250	Deans, Directors, or Administrators ( <b>DD, A</b> )
P-cards up to \$2,000 (see BOR P-card rules)	Deans, Directors, or Administrators ( <b>DD, A</b> )

Procurement Award Amount	Approving Officials
Reviews ALL contracts, MOUs, MOAs, etc. for form and legality	Legal Counsel ( <b>LC</b> )
Up to \$25K (from approved unit budgets, excluding contracts)	Deans, Directors, or Assistant Vice President ( <b>DD, AVP</b> )
>\$25K to \$100K	Senior Vice President--Academic & Student Affairs ( <b>SVP</b> ) or Vice President Administration & Finance ( <b>VPAF</b> )
\$101K to \$200K	President ( <b>PRES</b> )
\$201K to \$499K	President ( <b>PRES</b> ) + Chair--BOR ( <b>CBOR</b> )
\$500K and Up	President ( <b>PRES</b> ) + Chair--BOR ( <b>CBOR</b> ) + Treasurer--BOR ( <b>TBOR</b> )

Certifying Officials	Verification
Certifying Officer ( <b>CO</b> ) or General Accounting Supervisor ( <b>GAS</b> )	Availability of funds
Associate Comptroller/Bursar ( <b>ACOB</b> ) or Comptroller ( <b>COMP</b> )	Availability of funds
Supply Management Administrator ( <b>SMA</b> )	Procurement regulations
Vice President for Administration & Finance ( <b>VPAF</b> ) or Comptroller ( <b>COMP</b> )	Sole Source procurement

Types of Contracts (not all inclusive)	Minimum Set of Certifying Signatories
1. Purchase Order: (Micro--purchase) Good or Services, Open POs <=\$2K	Deans, Directors, or Assistant Vice President ( <b>DD, AVP</b> )
Purchase Order: Goods or Services >\$2K to \$25K	DD&A + SMA + CO--GAS
Purchase Order: Goods or Services >\$25K to \$50K	DD&A + SMA + CO--GAS + ACOB
Purchase of Goods or Services >\$50K	DD&A + SMA + CO--GAS + COMP
2. Competitive Seal Bidding and RFPs >\$50K (\$100K -- CONST)	<b>Req'd Signatories for Contract Types 2--11, by \$ value</b>
3. Indefinite Quantity Agreement	<b>Up to \$100K:</b> CO--GAS + ACOB or COMP + LC + SVP or VPAF
4. Partnership Agreement	
5. Independent Contractor Agreement	<b>\$101K to \$200K:</b> CO--GAS + ACOB or COMP + LC + SVP or VPAF + PRES
6. Employment Agreement -- Tenure Track	
7. Special Employment Agreement	<b>&gt;\$200K to &lt;\$500K:</b> CO--GAS + ACOB or COMP + LC + SVP or VPAF + PRES + CBOR
8. Amendment to Contract	
9. MOU's for various purposes	<b>\$500K and up:</b> CO--GAS + ACOB or COMP + LC + SVP or VPAF + PRES + CBOR + TBOR
10. UOG Field House License Agreement	
11. A&E and CIP Contracts	

### NOTES

1. Rule--making authority for the UOG Board of Regents is found in 17 GCA § 16108: "Notwithstanding any law, rule, or regulation to the contrary, the authority of the Board to establish personnel and administrative rules and regulations shall not be subject to the Administrative Adjudication Act."

2. Pursuant to 17 GCA, Chapter 16 -- UOG Charter -- the Board of Regents is the governing board who appoints the President with the advice and consent of the Guam Legislature. Pursuant to the UOG Procurement Regulations Section 2.5 the President or his designee has authority to sign and approve contracts.

3. Memorandum of Understanding must be signed by the President and all other required parties. The President may further delegate the signing of MOU's as appropriate.

4. All contracts for goods or services must be in compliance with UOG's Procurement Regulations as well as distributed guidelines and procedures; the Guam Procurement Law (5 GCA Chapter 5); and Guam Procurement Regulations (2 GAR Div. 4). They shall comply with federal and local government statutes.

5. VPAF is authorized to adjust petty cash level and reduce purchase order authorization levels.



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 23-07**

**RELATIVE TO APPROVING THE REVISED UNIVERSITY OF GUAM  
DELEGATION OF AUTHORITY POLICY**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant and Sea Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, UOG governance and well-being are vested in the Board of Regents (BOR);

**WHEREAS**, the University desires to clarify that Memorandum of Understanding from the Delegation must be signed by the President and all other parties required by the nature of the transaction; and

**WHEREAS**, the President and the Budget, Finance and Audit Committee have reviewed and recommend the draft policy to the BOR for approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby adopts the revised UOG Delegation of Authority policy attached, to be effective immediately.

Adopted this 23<sup>rd</sup> day of February, 2023.

\_\_\_\_\_  
Liza J. Provide, Chairperson

**ATTESTED:**

\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

# University of Guam

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Certifying Officials	Verification
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3. Memorandum of Understanding must be signed by the President and all other required parties. The President may further delegate the signing of MOU's as appropriate.

4. All contracts of \$500,000 and up require the approval of the Attorney General of Guam. As a public corporation of the government of Guam, UOG's Legal Counsel holds delegated authority to serve as an Assistant Attorney General to (1) act as a legal advisor during all phases of the solicitation or procurement process; and (2) review and approve contracts of \$500,000 or more as to form and legality.

5. All contracts for goods or services must be in compliance with UOG's Procurement Regulations as well as distributed guidelines and procedures; the Guam Procurement Law (5 GCA Chapter 5); and Guam Procurement Regulations (2 GAR Div. 4). They shall comply with federal and local government statutes.

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