

RESOLUTION DELEGATING AUTHORITY TO AWARD CERTAIN CONTRACTS

WHEREAS, the City of Charlotte has been granted certain corporate powers, including but not limited to, the power to contract; and

WHEREAS, pursuant to N.C.G.S. §160A-12, when a power is conferred by charter or general law without direction or restriction as to how it is to be exercised or performed, such power may be carried into execution as provided by resolution of the City Council; and

WHEREAS, pursuant to N.C.G.S. § 160A-148, the City Manager is the chief administrator for the City and shall perform such duties as the City Council may require or authorize; and

WHEREAS, in 1995 City Council delegated authority to the City Manager to award contracts and amendments of any kind or nature when the amount does not exceed \$100,000, which was at the time the maximum delegation of authority permitted under §143-129 for contracts for construction and repair, and for apparatus, supplies, materials and equipment; and

WHEREAS, the General Assembly has amended N.C.G.S. §143-129 over the years to increase the delegation authority City Council may exercise; and

WHEREAS, N.C.G.S. §143-129 currently allows the City Council to delegate authority to approve, award and execute contracts and amendments to contracts in the following amounts:

- less than \$500,000 for construction and repair, and
- any amount for apparatus, supplies, materials and equipment, excluding sole source and piggyback awards as set forth in N.C.G.S. §143-129 (e)(6) and (g)); and

WHEREAS, the North Carolina General Statutes generally do not restrict the City Council's power to delegate authority to enter into or amend service contracts, or contracts that do not involve the payment of money by the City or the sale or lease of City assets; and

WHEREAS, to increase efficiency in the City's contracting process consistent with the changes in award authority enacted by the General Assembly, the City Council desires to raise the dollar limits that were established in 1995 for the award of contracts and amendments by the City Manager; and

WHEREAS, the City Council further desires to clarify and consolidate into a single resolution certain other contract authority.

NOW THEREFORE, be it resolved by the Charlotte City Council, in regular session assembled, that:

1. Authority to approve, award, execute and amend contracts

Except as may be limited by law, the City Manager and each of the City Manager's duly authorized designees are authorized to: (a) approve, award and execute contracts and amendments to contracts, of any kind or nature when the expected expenditure of City funds is less than \$500,000, provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract; and (b) approve and execute contracts in any amount that do not require an expenditure of funds by the City. Further, subject to any restrictions or limitations that may be imposed by the City Manager, the Deputy City Manager, each Assistant City Manager and each City Department Head are authorized to approve, award and execute contracts and amendments for the purchase of apparatus, supplies, materials and equipment when the expected expenditure of City funds is less than \$500,000, provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract.

2. Authority to execute and make non-substantial changes to contracts approved by City Council

The City Manager and each of the City Manager's duly authorized designees are authorized to: (a) execute contracts awarded or approved by the City Council, and (b) make technical corrections and minor modifications to a contract approved by the City Council, consistent with the spirit and intent of what the City Council approved.

3. Authority to execute grant applications and grants.

The City Manager and each of the City Manager's duly authorized designees are authorized to execute grant applications, grant awards and grant agreements when the amount of any City match is within budgeted appropriations.

4. Authority to Delegate.

Except as may be limited by law, the City Manager may delegate the authority conferred by this resolution to such City employees in such amounts as the City Manager may determine from time to time, and may further authorize City Department Heads to delegate such authority within their Departments within limits established by the City Manager.

5. This resolution supersedes any prior delegation of authority regarding the subjects of this resolution.

6. The City Council directs that this resolution be reflected in the minutes of the Charlotte City Council.

This ____ day of December, 2018.

Approved as to form:

City Attorney

ATTEST:

City