SUMMARY STATEMENT

ITEM NO.: DRPA-15-155
SUBJECT: CEO Authority to Extend Term of Previously Authorized Agreements with Budget Balances

COMMITTEE: Finance

COMMITTEE MEETING DATE: December 1, 2015
BOARD ACTION DATE: December 9, 2015

PROPOSAL: That the Board authorizes the Chief Executive Officer to extend the term, without further Board consideration, of a previously Board-authorized professional services Agreement designating a specified duration, where DRPA is satisfied with the services rendered, DRPA requires further services, the budgeted sums have not been fully expended and the vendor has agreed to fully perform under the terms of the original Agreement; and that the DRPA Procurement Manual be so revised.

PURPOSE: To provide an efficient method to extend performance of contract responsibilities in a professional services Agreement, where DRPA is satisfied with the services rendered, DRPA requires further services, the budgeted sums have not been fully expended and the vendor has agreed to fully perform under the terms of the original Agreement; and that the DRPA Procurement Manual be so revised.

BACKGROUND: From time to time, the DRPA has entered into a Professional Services Agreement, approved by the Board for a specific term and a not to exceed specific amount, which has unexpended funds at the end of the term. In those cases where DRPA is satisfied with the services rendered, requires further services and the vendor has agreed to fully perform its obligations under the terms of the original Agreement, operational efficiencies in DRPA’s day-to-day management should allow the CEO the authority to extend the Term, within time limitations set forth in the ByLaws, so that the required work may be successfully completed.

The CEO is vested under General Powers, Article IV(H) of the ByLaws, with the authority to oversee and take action with respect to all operations, including routine business operations and functions, unless specifically limited by the ByLaws and compliant Resolutions of the Board of Commissioners. While an original Resolution may include an anticipated duration, as recommended by staff, multiple factors in each contract may make the completion date unmaintainable or warrant additional time to continue performance. This determination implicates routine business operations and functions and such an extension is under the purview of the CEO’s authority.
The most effective way to achieve this result is to amend the Procurement Manual, consistent with the Board’s recognition, contained in the Summary Statement accompanying DRPA-10-044/046, that the Procurement Manual is a work in progress and will be subject to edit and change.

SUMMARY:
- Amount: N/A
- Source of Funds: N/A
- Operating Budget: N/A
- Capital Project #: N/A
- Master Plan Status: N/A
- Other Fund Sources: N/A
- Duration of Contract: N/A
- Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority authorizes the CEO to extend the term, within time limitations set forth in the ByLaws, without further Board consideration, of a previously Board-authorized Professional Services Agreement designating a specified duration, where DRPA is satisfied with the services rendered, DRPA requires further services, the budgeted sums have not been fully expended and the vendor has agreed to fully perform under the terms of the original Agreement; and that the DRPA Procurement Manual be so revised.

RESOLVED: The Chair, Vice Chair and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chair, Vice Chair and Chief Executive Officer and if thereafter, either the Chair or Vice Chair is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chair and Vice Chair are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

SUMMARY:

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