



TO: Faculty, Staff

FROM: Kenneth S. Hawkinson, Ph.D.
President

DATE: October 5, 2016

SUBJECT: *Act 57 of 1998*

The intention of this memo is to remind all Kutztown University employees about the law regarding purchasing and contracting on behalf of Kutztown University. Pursuant to *Act 57 of 1998* and the Board of

Governors Policy 1998-04, it is the President alone who has the authority to enter into or sign contracts that bind the University to any rights and obligations unless the President delegates this authority, in writing, to third parties. **No one outside of the written delegates indicated below may enter into or sign contracts involving the University or otherwise commit the University for the payment of goods or services, including paying for goods or services with your own money and seeking reimbursement.** Unfortunately anyone who does so is acting outside the scope of their employment and will have to be held personally responsible for any ramifications, including payment of the supplier invoice, involving the illicit contract or purchase order. This may be awkward, but it is the law.

The Procurement Services Office understands that sometimes situations occur that motivate individuals/offices to not follow normal guidelines for processing purchase orders and contracts. However, according to the State Procurement Code (Act 57) we are not authorized to issue payments for goods or services received without the benefit of having a fully executed Service Purchase Contract or Purchase Order in place prior to the good or service having been received. Any supplier who has performed a service, or shipped a good, without having a signed contract or purchase order with the University will have to either agree to and sign a letter of Stipulation of Settlement and Release of Claims, or seek payment through the PA Board of Claims. Seeking payment through the PA Board of Claims is a slow and costly process to the University as well as the supplier. The Office of Chief Counsel is closely scrutinizing after-the fact payment requests. **Neither option guarantees payment by the University to the supplier.**

For the sake of clarity, the primary person who has been delegated with authority to sign contracts, or make purchases, on behalf of the University, without financial limitations, is Mr. Gerald Silberman, Vice President for Administration and Finance. In the event of his absence, that responsibility shall fall to Mr. Matthew Delaney, Acting Assistant Vice President for Administration and Finance. For purchase orders and contracts up to \$100,000, the contacts are Ms. Barbara Reitz, Purchasing Manager, Ms. Anise Freeman, Assistant Purchasing Manager and Mr. Craig Kleinsmith, Construction Contract Specialist. The only other individuals who have been delegated with purchasing and contract authority are the following purchasing department staff members, who can sign contracts up to \$20,000: Mr. Timothy Good, Ms. Barb Rahn and Ms. Mary Vink. **No other individual has contracting authority on behalf of the University.**

If you should have any questions regarding this memo or require assistance in any matter pending which will necessitate the preparation of a contract, please feel free to contact Ms. Barbara Reitz, Purchasing Manager.

Your cooperation in this matter is appreciated.

Figure 23: Contracting Authority Delegation

**Delegation of Presidential Authority
Purchasing and Contracting**

The following university employees are authorized to exercise presidential contracting officer authority under the provisions of Act 57 of 1998 and Board of Governors Policy 1998-04 to the extent and within the limits described.

Primary Delegate (s)		
Name	Position Title	Scope of Authority
Gerald Silberman	Vice President for Administration and Finance	Purchases/Contracts/Const. Contracts: Unlimited
Matthew Delaney	Acting Assistant Vice President for Administration and Finance	Purchases/Contracts/Const. Contracts: Unlimited
Secondary Delegate (s)		
Barbara Reitz	Purchasing Manager	Purchases/Contracts/Const. Contracts: <\$100,000
Anise Freeman	Assistant Purchasing Manager	Purchases/Contracts/Const. Contracts: <\$100,000
Craig Kleinsmith	Construction Contract Specialist	Purchases/Contracts/Const. Contracts: <\$100,000
Jeffrey Werner	Director, Grants & Sponsored Projects	Grant Contracts<\$100,000
Barbara Rahn	Purchasing Agent	Purchases/Contracts <\$20,000
Timothy Good	Purchasing Agent	Purchases/Contracts <\$20,000
Mary Vink	Purchasing Agent	Purchases/Contracts <\$20,000

Kenneth S. Hawkinson

Dr. Kenneth S. Hawkinson
President (Signature)

2-21-17

Date

KSH:mh

cc: Chancellor
University Legal Counsel
Each person named

17-Feb-17