

**After-The-Fact Purchase Authorization Form**

*Please attach this form to the requisition*

If you previously initiated a transaction that created an after-the-fact supplier invoice, it must be processed via the 'After-the-Fact (ATF) Purchase Authorization' Form.

An After-The-Fact purchase occurs when a department makes a purchase before a purchase order number is issued. For example, authorizing a vendor to begin work before the Purchasing Division issues a purchase order. Similarly, obtaining goods or services on credit and subsequently submitting the invoice to accounts payable is an ATF. All ATFs, regardless of the dollar amount, present problems for the Purchasing Division, Accounts Payable, vendors, and end-users.

In many cases, these transactions:

- \* Place the City at financial and credit risk and result in higher than necessary cost paid for products and services.
- \* Create unnecessary administrative efforts
- \* Bypass City encumbrance requirements
- \* Violate procurement polices and procedures

When an ATF purchase has been identified, the managing supervisor that made the unauthorized purchase shall complete this form.

Please provide detailed statement explaining the circumstances surrounding this ATF purchase.

At the 11/26 Council meeting, the CAO will request approval of an LSA with Goldfarb & Lipman LLP to provide legal advice/represent the City in pending land use litigation related to challenging the City's approval of the Campus Bay Mixed Use Project. Goldfarb has been defending the City in this litigation, and it would be detrimental to the City's interests to change law firms at this juncture. A recent Court ruling upheld the case on Appeal after the original contract expired and no invoices had been produced since March 2023. The original LSA expired on 6/30/23.

What corrective steps have taken to avoid repetition of future ATF's?

All LSAs are are being tracked via a calendaring system.

Any corrective action with the responsible managing supervisor?

N/A as the as the there is no fiscal impact to the General Fund. This legal services agreement will be paid from funds deposited by the developer, and the case had been inactive since 2022 until a recent Court decision.

Vendor Name:

Goldfarb & Lipman LLP

Amount of Purchase: \$

25,000.00

Purchase Date:

8/16/2024

***I understand that all City purchases require pre-approval and need to be purchased utilizing City policies and procedures.***

Shannon Moore

*Shannon Moore*

Chief Assistant City Attorney

**Supervisor Name**

**Signature**

**Title**

**Department Director authorizing After-The-Fact Purchase**

**Name**

**Signature**

**Date**