Purpose

This policy defines the authority to solicit and accept or execute contracts or grants for instruction or research.

Definitions

Contract

A binding agreement between two or more parties that is enforceable at law. In the context of research, a contract is generally an agreement under which a sponsor provides funding for a proposed program in return for some product, such as services, report, or other deliverables. A fixed-price contract arises when the sponsor and University agree in advance on the price of the work to be done. A cost reimbursement contract requires the sponsor to reimburse the University for the cost of conducting the research.

Grant

An award of financial or direct assistance to an eligible investigator in support of proposed research, training, or other activity. The sponsor generally does not require a predetermined product at the completion of the work, although it may require financial and/or technical reports.

Instruction

Training of UCSF students, UCSF personnel, or prospective UCSF employees in research, or in the techniques or practices pertinent to the particular area of concern.

Other Sponsored Activities

An award for an activity other than research or instruction. These include, but are not limited to, public service, clinical trials, other clinical service, conference, equipment and travel awards, and other types of awards that do not clearly fit into other categories of extramurally funded activities, such as evaluation awards.

Research

Investigation or experimentation aimed at the discovery of generalizable new knowledge, the interpretation of facts, and/or the revision of accepted theories in the light of new facts; or the testing of such new or
revised theories.

Policy

A. Authority to Solicit and Accept or Execute Contracts and Grants

The authority to Solicit, Accept and Execute contracts and grants is granted to the President in Section 100.4(dd) of the Standing Orders of The Regents.

1. Delegation of Authority to Chancellor

The President has delegated the authority granted by Standing Order 100.4(dd) to the Chancellor except as listed below. The Chancellor is authorized to solicit and accept or execute such grants and contracts, including the signing of related documents as necessary, except those grants, contracts, or related documents which exceed the following in direct costs:

   a. $10,000,000 in direct costs in any one project year for contracts and grants where the campus is a prime awardee and the sponsor is a federal or a State of California Agency;
   b. $10,000,000 in direct costs in any one project year for subawards from higher education institutions or a State of California agency for which the source of funds is an award from a federal or State of California agency; or
   c. $5,000,000 in direct costs in any one project year for contracts and grants except as specified above.

Additionally, the President has not delegated the authority to solicit, accept or execute documents that:

   a. contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd). In particular, with regard to this delegation, note that Standing Order 100.4 (dd) requires specific authorization by The Regents for:
      1. Exceptions to approved University programs and policies or obligations on the part of the University to expenditures or costs for which there is no established fund source or which require the construction of facilities not previously approved.

   * * *

   9. Agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests. In circumstances where it is deemed necessary by the President, in consultation with General Counsel, to indemnify non-university persons who have agreed at the University's request to serve as advisors on operational matters for conduct within the scope of their role as advisors, the president is authorized to provide for defense and indemnification. This restriction does not apply to agreements under which the University assumes responsibility for the condition of property in its custody
   b. include an unapproved arrangement for indirect costs which changes the rates or the bases thereof as promulgated by the President;
   c. require approval by the President or designee; or
   d. provide support for the sole purpose of constructing research facilities. For projects which include both a research and construction component, the contracts, grants and other documents must also be approved by University officials retaining the delegation of authority for construction projects, and must be in full compliance with the requirements separately required in that delegation.

Contracts or Grants which exceed the funding parameters or non-delegated subject matter specified above
must be submitted according to the procedure for obtaining approval for contracts and grants involving non-delegated subject matter[3].

1. Approval By the Office of Research

The Chancellor has delegated authority to solicit and accept or execute all extramural contracts and grants for research, training, and public service, with the exception of those cases stipulated above, to Industry Contracts Officers, Contracts and Grants Officers, and Research Services Coordinators.

B. Review by Contracts and Grants Office

The duly authorized Industry Contracts Officer, Contracts and Grants Officer or Research Services Coordinator will verify that commitments outlined in contract or grant proposals are reasonable and are consistent with University policy. In addition duly authorized individual will determine whether prior approval by the UC General Counsel to The Regents is necessary before execution. The duly authorized individual will ensure the principal investigator or project director understands the commitments to be undertaken.

C. Performance of the Contractor or Grant

In the capacity of principal investigator or project director, the recipient of an award represents The Regents, and is obligated to carry out the responsibilities assumed on behalf of the University.

Responsibilities

- Office of Research
- Industry Contracts Division
- Contracts and Grants Office
- Research Services Management
- Principal Investigator

Procedures

- Obtaining approval for contracts and grants involving non-delegated subject matter [3]

Related Policies

- 450-10 - Authority to Solicit Gifts and Private Gifts [6]

References

- Standing Orders of The Regents of the University of California, 100.4(dd) [7]
- UCOP Delegation of Authority 2569 [8]
- Bylaws and Standing Orders of The Regents of the University of California [9], Office of the President
- Contract and Grant Manual [10], Office of the President

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