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June 24, 2013

ASSISTANT VICE CHANCELLOR AND CONTROLLER

Re: Delegation of Authority – Representation of Regents of the University of California at BEARS Annual General Meeting

In accordance with the February 24, 2011, Action Under Delegated Authority, by University's Provost and Executive Vice President Lawrence H. Pitts (attached), I am authorized, on behalf of The Regents of the University of California (The Regents), to establish and administer a foreign affiliate organization in Singapore, the Berkeley Education Alliance for Research in Singapore (BEARS). BEARS is wholly owned by the University and is to be operated in accordance with the August 15, 2005 Administrative Guidelines for the Establishment and Operation of University of California Foreign Affiliate Organizations (Guidelines), except as otherwise provided in the February 24, 2011 delegation of authority.

Effective immediately, I am delegating to you the authority provided in the February 24, 2011 delegation to represent The Regents and to take all necessary actions on its behalf at the Annual General Meeting of BEARS. You are directed to perform the reporting activities to the extent required under the *Guidelines* and to consult with the Office of Legal Affairs, as may be appropriate, in carrying out the duties under this delegation. This authority may not be re-delegated.


Nicholas B. Dirks

Enclosure: Action Under Delegated Authority (February 24, 2011)

cc: Chief Campus Counsel Christopher Patti
Vice Chancellor Graham Fleming
Dean Shankar Sastry

PROVOST AND EXECUTIVE VICE PRESIDENT

ACTION ITEM

February 24, 2011

ACTION UNDER DELEGATED AUTHORITY – ESTABLISHMENT OF FOREIGN AFFILIATE ORGANIZATIONS IN SUPPORT OF RESEARCH BY THE UNIVERSITY OF CALIFORNIA, BERKELEY– BERKELEY EDUCATION ALLIANCE FOR RESEARCH IN SINGAPORE

It is recommended by the Chancellor of the Berkeley campus that the Provost and Executive Vice-President authorize and approve the following actions pursuant to delegated authority under the *Administrative Guidelines for the Establishment and Operation of University of California Foreign Operations* or the *Administrative Guidelines for the Establishment and Operation of University of California Foreign Affiliate Entities* dated August 15, 2005:

- (1) The Chancellor be authorized, on behalf of The Regents of the University of California (University), to establish and administer a foreign affiliate organization (Affiliate) in Singapore. The Affiliate shall be operated in accordance with the *Guidelines* and shall be sponsored by the Berkeley campus's College of Engineering.
- (2) The Chancellor, after consultation with the General Counsel, is hereby delegated authority to take such steps as shall be necessary and appropriate for the establishment of said Affiliate, including the filing of appropriate submissions with the competent local authorities.
- (3) The Chancellor, after consultation with the General Counsel, be authorized to appoint the University's representatives to the management of the Affiliate, oversee the operations of the Affiliate and, after consultation with the General Counsel and obtaining any other approvals that may be required under University policies, be authorized to approve and execute all ancillary documents and all amendments to the above referenced documents as may be necessary or appropriate for establishment and operation of the Affiliate subject to the reporting requirements under the *Guidelines*.

EXECUTIVE SUMMARY

This is a request from the Berkeley campus for approval to establish a company limited by guarantee in the Republic of Singapore. The company would operate a research center in Singapore funded by the Singaporean National Research Foundation (NRF) and led by a team of Berkeley researchers. The Regents would be the single member of the company. The costs of establishing the center and supporting the research activities in Singapore would be borne by the

NRF. The NRF would also bear the costs of winding down the center's operations at the time of termination.

BACKGROUND

Singapore Research Initiatives

For the past two years, the Berkeley campus has been engaged in substantive discussions with the NRF concerning a research center based in Singapore that would be directed by Berkeley researchers. The NRF is a department within the Prime Minister's Office and is charged with funding strategic initiatives to increase research and development capabilities in Singapore.

As part of its efforts to develop scientific and engineering innovations in Singapore, the NRF established the Campus for Research Excellence and Technological Enterprise (CREATE) several years ago. The program began with a research center operated by the Massachusetts Institute of Technology in 2008. It has continued to expand with strategic alliances with certain key research partners and the program includes seven such alliances to date.

Berkeley has been invited to open a research center as part of Singapore's CREATE program that will focus on building energy efficiency in tropical climates. This will be an interdisciplinary research program in collaboration with Nanyang Technological University and the National University of Singapore. If successful and the parties agree, this program will be the first of a number of planned research programs focused on such areas as synthetic biology and new material for energy production and storage.

BEARS

To carry out the proposed research in Singapore, Berkeley will establish the Berkeley Education Alliance for Research in Singapore (BEARS), which will operate as a center for research, graduate education and innovation. NRF has agreed to house the BEARS center in a new CREATE building which is expected to open in 2011. The funding for BEARS will be provided by the NRF. As an arm of the Singaporean government, NRF is charged with supporting Singaporean research initiatives and entities and may not fund foreign entities.

The NRF has therefore required that Berkeley establish a legal corporate entity in Singapore. They have proposed the University establish a public company limited by guarantee under Singapore law, which is a non-profit entity and similar to a non-profit limited liability company under California law. The Regents would be the sole member of the company.

Oversight of BEARS activities would be conducted by a governing board of up to ten members, equal numbers of whom would be nominated by Berkeley and the NRF. In addition, Berkeley would nominate the Director of BEARS, who would serve a three-year term, subject to approval by the governing board. The BEARS Director would also be a non-voting member of the governing board.

Financial Information

BEARS differs from more typical foreign affiliates in that University funds will not be used to establish it. Because NRF will be providing the funding, the BEARS assets will not be irrevocably dedicated to the University and, as stated above, the governing board members will be equally split between Berkeley and NRF.

NRF will bear the operating costs of BEARS for a five-year period, including the costs of the Director, administrative staff, and costs related to the faculty in residence in Singapore. NRF will also assume the costs required to set up BEARS. At the end of five years, should the NRF not continue funding and should Berkeley decide that it is not interested in continuing to operate BEARS, the NRF would bear the costs of winding down the operations and dissolving the company. In addition to the funding provided by NRF for the Singapore activities, the NRF has also agreed to provide an amount of unrestricted funding to support research activities in Berkeley. This funding will amount to 20% of the total funds provided by the NRF for this program.

Approved:

A solid black rectangular box redacting the signature of Lawrence H. Pitts.

Lawrence H. Pitts
Provost and Executive Vice President

ALARMS & ACCESS CONTROL UNIT

University of California Police Department



(510) 643-9375

CARDKEY APPLICATION

CARD# _____

ID# _____

Name: _____	Building: _____
Access: _____, _____, _____, _____, _____, _____	
Work Address: _____	Work Phone: _____
<input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Other	Home Phone: _____
<input type="checkbox"/> Graduate <input type="checkbox"/> Undergrad	Expiration Date: _____
Authorization: _____	Date: _____
Print Above Name: _____	Phone: _____

Facilities Management Approval

AGREEMENT

I understand and agree that the cardkey issued upon approval of this request is the property of the Regents of the University of California and

- a) that the cardkey will be returned upon request or at the time of separation from UC
- b) that I will report its loss or theft to the University Police Department and to the issuing department as soon as such loss or theft is noted, and
- c) that the cardkey is issued for my exclusive use and may not be duplicated, loaned, or used to allow any unauthorized person into a controlled area.

I further understand and agree that my full cooperation will be expected during any investigation concerning a security matter which might have occurred in a controlled facility during a time when my presence in the facility has been recorded by the system.

Abuse of the cardkey privilege and/or non-compliance with this agreement is a violation of Penal code 469, and may result in revocation of cardkey use and/or other disciplinary or criminal action.

As a student, I also agree to wear my UC ID whenever inside the building during non-business hours (e.g. evenings, weekends, or holidays)

_____ Student Initial

Cardholder's Signature

Date