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June 29, 2012

DA 2569

VICE CHANCELLOR FOR RESEARCH

RE: Delegation of Authority 2569 – To Solicit and Accept or Execute Certain Extramural Grants and Contracts

In accordance with President Yudof's letter to Chancellors of April 19, 2012, and Standing Order 100.4(dd), I am re delegating to you, as the Vice Chancellor – Research, the authority to solicit and accept or execute certain extramural grants and contracts in an amount not to exceed \$10,000,000 in direct costs in any one project year, subject to the limitations below.

You may not execute contracts or grants that exceed the following direct costs:

- a. \$10,000,000 in direct costs in any one project year for contracts and grants where the campus is prime awardee and the sponsor is a federal or a State of California agency; or
- 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 or grants except as specified above.

This delegation does not include 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 requires 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 the 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.

For purposes of this delegation, the term "grant" includes grants from private source, but excludes gifts as defined in the Guidelines for Review of Gifts/Grants for Research issued by the President on July 8, 1980.

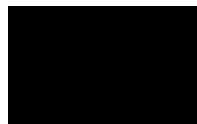
Campus procedures for preparation of proposals for extramural support and acceptance of grants or execution of contracts shall be in accordance with the University of California Contract and Grant Manual and with supplementary instructions as may be issued by the Office of the President.

Critical factors in processing contracts and grants are a review for legal sufficiency, compliance with University policies, and coordination with other campus offices and functions as appropriate, including legal counsel, risk management, and intellectual property managers.

This redelegation is effective as of April 19, 2012 and supersedes Delegation of Authority 2036 issued on April 3, 2008 and may be redelegated further. If you do redelegate, you must send a copy of the redelegation to the Office of Ethics, Risk and Compliance Services.

Please contact Campus Delegations Coordinator Janice Hing, Office of Ethics, Risk and Compliance Services, at 3-9318 or [jhing@berkeley.edu](mailto:jhing@berkeley.edu) with any concerns you may have regarding this delegation of authority.

Yours sincerely,



Robert J. Birgeneau

Attachments: Yudof's letter of April 19, 2012 (DA 2569)  
Redelegation letter of April 25, 2008 (DA 2036)

cc: Vice Chancellor for Administration J. Wilton  
Chief – Audit and Advisory Services W. Riley  
Associate Chancellor Williams  
CCRC Coordinator C. Major  
Office of Ethics, Risk and Compliance Services J. Hing



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April 19, 2012

CHANCELLORS  
DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY  
VICE PRESIDENT—AGRICULTURE AND NATURAL RESOURCES

Delegation of Authority--To Solicit and Accept or Execute Certain Extramural Grants and Contracts

Standing Order of The Regents 100.4(dd), Duties of the President of the University, provides the President authority to accept or execute certain extramural contracts or grants as follows:

Except as otherwise specifically provided in the Bylaws and Standing Orders, the President is authorized to execute on behalf of the Corporation all contracts and other documents necessary in the exercise of the President's duties, including documents to solicit and accept pledges, gifts, and grants, except that specific authorization by resolution of the Board shall be required for [certain] documents.

On March 10, 1995, the President delegated authority to you to accept or execute certain extramural contracts or grants up to a limit of \$5,000,000 in direct costs in any one project year. The purpose of this delegation is to increase this dollar limit.

Therefore, subject to the limitations below, I delegate to you the authority to solicit, accept, or execute contracts and grants for research, scholarly or professional training, or for public service programs relating either to research or to scholarly or professional training, including the signing of related documents as necessary.

You may not execute contracts or grants that exceed the following 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; or
- 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.

Contracts or grants that exceed the parameters specified above must be submitted for approval to the Office of the President, Research Policy Analysis & Coordination unit for consideration. Moreover, this delegation does not include the authority to solicit, accept, or execute documents that:

- a. contain provisions falling within any of 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.

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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 the 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.

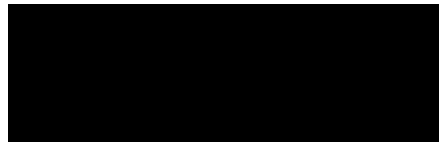
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Campus procedures for preparation of proposals for extramural support and acceptance of grants or execution of contracts shall be in accordance with the University of California Contract and Grant Manual and with supplementary instructions as may be issued by the Office of the President.

Critical factors in processing contracts and grants are a review for legal sufficiency and compliance with University policies, and coordination with other campus offices and functions as appropriate, including legal counsel, risk management, and intellectual property managers. Responsibility for accomplishing this review and coordination must be assigned specifically as a part of any redelegation by you.

This delegation is effective immediately and supersedes the March 10, 1995 delegations of authority to the Chancellors (DA 2036), to the Vice President of Agriculture and Natural Resources (DA 2035), and to the Lawrence Berkeley Laboratory Director (DA 2038) to solicit, accept, or execute certain extramural grants and contracts. This authority may be redelegated.



Mark G. Yudof  
President

cc: Members, President's Cabinet  
Executive Director Streit  
Universitywide Policy Director Capell