

Cindy Major

From: UC Campus Policy Coordinators List [CPCS-L@LISTSERV.UCOP.EDU] on behalf of Nancy J. Capell [Nancy.Capell@UCOP.EDU]
Sent: Friday, October 09, 2009 9:36 AM
To: CPCS-L@LISTSERV.UCOP.EDU
Subject: ROTC Agreements

Colleagues, some time ago a campus asked me who had authority to sign ROTC agreements.

The bad news is there is no delegation of authority that specifically speaks to this (as you already know). The good news is that (according to the files I found) ROTC agreements appear to be under the authority to sign contracts and grants—as opposed to purchasing services—on the theory that they are agreements that support the research and teaching mission.

In 1970, there was a delegation from President Hitch (called “Delegation of Authority – Contracts and Grants”) that stated that anted “all contracts for ROTC, regardless of dollar value, must be forwarded to me for approval.”

Obviously, this was a different period in California history. I think it is safe to say that that the Chancellor has authority under DA 2036, rather than under DA 2100 or DA 1058, and has authority to redelegate such authority.

Superceded by DA 2569

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Supersedes
DA 2036
DA 2569



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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.

Chancellors, et al.

April 19, 2012

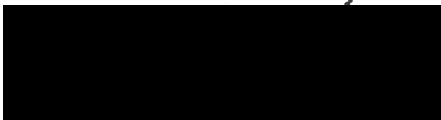
Page 3

For purposes of this delegation, the term "grant" includes grants from private sources, 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 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