

COPY

April, 1981

March 27, 1974

VICE PRESIDENT JOHN A. PERKINS

Re: Routine Contracts and Grants  
Which Need Not Be Reviewed  
By Office of General Counsel

This memorandum updates and replaces that of February 7, 1966 from then General Counsel Cunningham to then President Kerr regarding legal review of routine contracts and grants. Extramural grants and contracts for research, scholarly or professional training, or for public service programs relating either to research or to scholarly or professional training which are routine as to legal form, and which are within the authority of the President to approve (hereafter "routine contracts and grants"), need not be submitted to the Office of the General Counsel for legal review. Routine contracts and grants are those meeting both of the following conditions:

a. with the Federal Government or the State of California, other than those requiring Regents' approval; and

b. which contain Special Provisions and General Provisions which are usual for comparable contracts and grants with the government agencies concerned.

The following contracts and grants should not be considered routine:

1. those with entities other than the Federal Government or the State of California; or
2. those which require Regents' approval under Standing Order 101-1(aa) [100.4(dd)] including such contracts with the Federal Government or the State of California; or
3. those which contain Special Provisions differing substantially from those found in comparable contracts and grants with the government agencies concerned; or

4. those which contain material changes in the usual General Provisions.

To help insure the legal sufficiency of routine contracts and grants the points set forth in the attached "Check List for Review of Contracts and Grants" should be checked. Also, particular attention should be given to patent clauses and publication provisions to ascertain that these clauses comply with University policy.

Routine contracts and grants may involve legal problems, especially those relating to unusual undertakings. Therefore, the official with the authority to approve contracts and grants should always feel free to seek legal advice from the Office of General Counsel.

The procedure of the General Counsel's office described above does not preclude legal review of routine contracts and grants. Rather, it is optional whether any such contracts will be submitted to the General Counsel for review.

If you have any questions or if I can be of any further assistance with respect to this matter, please let me know.

/s/  
Donald L. Reidhaar  
General Counsel

cc: President Hitch  
Secretary Woolman

[Attachment]



attached hereto, is incorporated herein by this reference."

10. Is there any recital in the contract that an attached document is made a part of the contract? If so, has that document been attached as recited?
11. If a State of California contract on the Standard Agreement Form 2 is involved, is there a printed clause on the reverse side thereof which reads as follows:

"Contractor shall not be allowed or paid travel or per diem expenses unless set forth in this agreement"?

If so, and if travel or per diem expenses are to be allowed or paid to contractor under the contract, is a typewritten statement to this effect set forth in the contract?

DA 0744

July 23, 1979

WARREN S. LEVIN  
Assistant Vice President

Re: Routine Contracts and Grants Which  
Need Not Be Reviewed by Office of  
the General Counsel

Your memorandum of June 25, 1979 to General Counsel Reidhaar has been referred to me for reply. Your question concerns whether routine contract modifications which cover only the funding level and the related period of performance of a given contract require review by the General Counsel's office prior to execution. The question arises because General Counsel Reidhaar's memorandum of March 27, 1974 states that contracts and grants which require Regental approval under Standing Order 100.4(cc)\* require review by the Office of the General Counsel. You state that, literally interpreted, this might mean that such review would also be necessary for routine modifications of such contracts as well.

After a review of the matter it is our opinion that routine "money modifications" and other similar modifications which do not exceed the levels previously authorized by The Regents and which make no changes in other provisions of the contracts and grants do not require review by the General Counsel's office even though such modifications involve a contract or grant which initially required Regental approval under the Standing Orders.

Please let me know if you have further questions.

Glenn R. Woods  
Associate Counsel

cc: Associate Vice President Jenkins  
Secretary Woolman  
Coordinator Mears

100.4(cc) re-lettered (dd) January, 1981.