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November 2, 2009

INTERIM PROVOST AND EXECUTIVE VICE PRESIDENT—ACADEMIC AFFAIRS

Delegation of Authority—Contract and Grant Administration

Standing Order of the Regents 100.4 establishes certain Duties of the President of the University.

Standing Order 100.4 (dd) states:

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 documents which involve or which are:

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.
 2. Renewal or modification of prime contracts with the Department of Energy for the operation of the Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.
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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.

I hereby delegate to the Provost and Executive Vice President—Academic Affairs, and to you in your interim capacity in that position, the authority to solicit and accept or execute grants and contracts 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. This authority

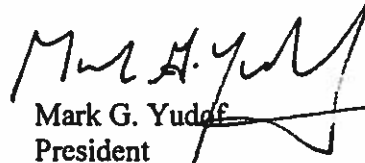
excludes those grants, contracts, or related documents which contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd). Notwithstanding Standing Order 100.4(dd) (9), you may exercise certain authorities granted to the Provost and Executive Vice President—Academic Affairs under DA 2239 for the approval of indemnification terms in certain limited agreements in support of research.

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.

In addition, you are authorized to act for the President in those instances when the President has authority granted by the Regents to solicit and accept or execute grants and contracts, including the signing of related documents as necessary, including authority granted by subsequent amendments to Standing Order 100.4(dd).

A critical factor in processing contracts and grants is the review for legal sufficiency. Responsibility for accomplishing that review must be specified as a part of any redelegation of this authority. Attached is a copy of a pertinent Office of General Counsel memorandum dated March 27, 1974 which provides guidance on this particular point. Whenever there is any question as to whether a particular grant or contract requires legal review, General Counsel's advice shall be obtained.

This delegation is effective immediately and supersedes the March 10, 1995 delegation of authority (DA 2034) to the Senior Vice President—Business and Finance. Any redelegation of this authority to the Vice Presidential level and above shall be in writing with copies provided to the Universitywide Policy Office.


Mark G. Yudd
President

Attachment

cc: Chancellors
Interim Director, Lawrence Berkeley National Laboratory
Members, President's Cabinet
Universitywide Policy Office

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)* including such contracts

*For current reference, see Standing Order 100.4(dd).

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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.


Donald L. Reichartz
General Counsel

cc: President Hitch
Secretary Woolman

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?