

UNIVERSITY OF CALIFORNIA

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CHANCELLORS

Pursuant to The Regents' action of March 1977 which instituted a **University Policy on the Procurement of Foreign-Made Equipment, Materials, or Supplies Produced by Forced Labor, Convict, or Indentured Labor**, I am issuing Administrative Guidelines to implement this policy, to be effective immediately.

You will note that the Administrative Vice Chancellor for each campus is charged with resolving any protests regarding the imposition of sanctions against any seller or contractor who provides the prohibited goods to the University. The General Counsel shall be consulted concerning disputes which cannot reasonably be settled in a fair and equitable manner through the administrative process described in the Guidelines.

Yours truly,

A handwritten signature in black ink, appearing to read "Dick", with a long horizontal line extending to the right.

Richard C. Atkinson
President

Attachment

cc: Members, President's Cabinet
Laboratory Directors
Special Assistant Gardner
Principal Officers of The Regents

**ADMINISTRATIVE GUIDELINES ON THE PROCUREMENT
OF FOREIGN-MADE EQUIPMENT, MATERIALS, OR SUPPLIES
PRODUCED BY FORCED LABOR, CONVICT, OR INDENTURED LABOR**

I. INTRODUCTION

The purpose of this document is to provide information and guidance for implementing the University Policy on the Procurement of Foreign-Made Equipment, Materials, or Supplies Produced by Forced Labor, Convict, or Indentured Labor as adopted by The Regents in March 1997, which is as follows:

It is the policy of the University of California that no foreign-made equipment, materials, or supplies furnished to the University of California shall be produced by forced labor, as defined in §1307 of Title 19 of the United States Code and §6108 of the California Public Contract Code, convict labor, or indentured labor under penal sanction. Administrative guidelines implementing this policy and incorporating appropriate enforcement mechanisms and a requirement that contractors agree to comply with the policy shall be issued by the President of the University.

These guidelines will be reviewed and updated as needed, and supplement the following University policies and procedures:

Facilities Manual
Business and Finance Bulletin BUS 43 - Materiel Management
Contract and Grant Manual

II. CONTRACT PROVISIONS

The following statement shall be included in all University contracts, purchase orders and subagreements for equipment, materials, or supplies:

Forced, Convict, and Indentured Labor

- A. By signing or accepting this (purchase order) (contract) (quotation) (proposal) the (seller) (contractor) (recipient) hereby certifies that no foreign-made equipment, materials, or supplies furnished to the University pursuant to the (purchase order) (contract) (quotation) (proposal) will be produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction.

- B. Any (seller) (contractor) (recipient) contracting with the University who knew or should have known that the foreign-made equipment, materials, or supplies furnished to the University were produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction, when entering into a contract pursuant to the above, may have any or all of the following sanctions imposed:
1. The contract under which the prohibited equipment, materials, or supplies were provided may be voided at the option of the University.
 2. The (seller) (contractor) (recipient) may be removed from consideration for University contracts for a period not to exceed 360 days.

III. RESOLUTION OF CONTROVERSIES OVER THE IMPOSITION OF SANCTIONS

When imposing the sanctions described in II.B. above, the University shall notify the seller, contractor, or recipient of the following process to protest imposition of such sanctions:

- A. Authority of the Vice Chancellor--Administration - The Vice Chancellor--Administration shall have authority to resolve protests regarding the imposition of sanctions for providing to the University foreign-made equipment, material, or supplies made by forced labor, convict labor, or indentured labor under penal sanction.
- B. Filing of Protest - Any seller, contractor, or recipient who has a complaint regarding the imposition of sanctions for providing to the University foreign-made equipment, material, or supplies made by forced labor, convict labor, or indentured labor under penal sanction should first attempt to resolve the grievance with the buyer, Materiel Manager, or other University contracting officer involved in the transaction. If the controversy cannot be resolved at this level, the complainant may file a protest with the Vice Chancellor--Administration. A protest must be filed promptly and in any event within two calendar weeks after such complainant knows or should have known of the facts giving rise thereto. All protests must be in writing.
- C. Decision - The Vice Chancellor--Administration shall appoint individuals to investigate the issues involved in the complaint, analyze the findings, consult with General Counsel, and promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.
- D. Unresolved Controversies - General Counsel shall be consulted concerning disputes which cannot reasonably be settled in a fair and equitable manner through the administrative process described above.