Contracting at Berkeley

Research Administration and Compliance Forum

April 15, 2015
How many contracting offices are there on campus?
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**OCFO:**
- Business Contracts and Brand Protection (BCBP)
- Supply Chain Management (SCM)

**Intellectual Property and Industry Research Alliances (IPIRA):**
- Industry Alliances Office (IAO)
- Office of Technology Licensing

**Real Estate Division:**
- Construction & Design
- Real Estate Development and Portfolio

**Office of Legal Affairs**

**Sponsored Projects Office (SPO)**

**Human Resources**

**Office of Public Affairs**
- Media Relations

**Cal Performances**
Good News!

We talk to and collaborate with one another
Contracting at Berkeley | Members

Business Contracts and Brand Protection
• Maria Rubinshteyn
• Karen Etheridge
• Jan Gonsalves

Intellectual Property and Industry Research Alliances:
• Carol Mimura
• Eric Giegerich
• Lynne Hollyer, Industry Alliances Office (IAO)
• Leah Esturas-Person, IAO
• Marc Oettinger, Office of Technology Licensing (OTL)
• Terri Sale, OTL

Engineering Research Support Organization
• Jennifer Stone
• Kendall Moalem

Human Resources
• Anita Raman

Lawrence Hall of Science
• Susan Gregory
• Laura Scudder

Office of the Chief Financial Officer
• Tom Holdford
• Mariana Corzo

Office of Legal Affairs
• David Robinson

Office of Risk Services
• Andy Goldblatt
• Laila DeBerry

Real Estate Division:
• Barb Evans, Real Estate and Portfolio
• Theresa Cerney, Construction & Design

Research Administration and Compliance
• Patrick Schlessinger

Sponsored Projects Office
• Pam Miller
• Jyl Baldwin

Supply Chain Management
• Rich Taylor
• Stacey Templeman
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Supply Chain Management (SCM)
Supply Chain Management (SCM)

Stacey Templeman, Senior Buyer

Supply Chain Management's mission is to expand opportunities for teaching, research and public service by delivering savings and efficient procurement services across the University of California.
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Office of Legal Affairs (OLA)
Office of Legal Affairs (OLA)

David Robinson, Associate Campus Counsel

The Office of Legal Affairs is a campus office that provides legal advice to all campus offices with contracting authority, and advises contract administrators about how to respond to failures of performance after a contract has been executed.
Office of Risk Services (ORS)

Andy Goldblatt, Campus Risk Manager
Laila DeBerry, Enterprise Risk Analyst

The Regents have given Risk Services delegated authority over the indemnification and insurance language in all University contracts.
simplify
Where to Start?

- Contracting at Berkeley Portal
- Decision Tree/Wizard
- University of California, Berkeley Guide to Contracting
Contracting at Berkeley | Decision Tree

Stump the Wizard!

Demonstration and Interactive Session using the Online Decision Tree by:

Karen Etheridge, BCBP
Lynne Hollyer, IAO
Pam Miller, SPO
Not sure which Contracts office to start with?
Start here
When a square peg doesn’t fit into the round hole...
Project Analysis and Resolution Committee (PARC) meets as needed to resolve areas of overlap

PARC Committee Members:
- Business Contracts and Brand Protection
- Industry Alliances Office
- Office of Legal Affairs
- Sponsored Projects Office
Coming Soon | The Guide!

Jan Gonsalves, BCBP
Chair of Guide Drafting Subgroup

University of California, Berkeley
Guide to Contracting
# Table of Contents

## Introduction

Acknowledgements

## Contracting Lifecycle

1. **Before Starting a Contract**
   - What is a contract?
   - When to create a contract
   - Who is authorized to create, amend, or terminate a contract at Berkeley?

2. **Benefits and Risks**
   - Benefits of having a written contract
   - Risks of not having a written contract

3. **Types of Contracts and Key Considerations**
   - Types of Contracts
   - Key Considerations

4. **Creating and Executing a Contract**
   - Identifying the appropriate Contracting Office
   - Contacting the Contracting Office
   - Drafting a contract
   - Reviewing and approving a contract
   - Executing a Contract

5. **Managing, Amending, and Terminating a Contract**
   - Day-to-day contract management
   - Amending or updating a contract
   - Terminating a contract
   - Sample contract management responsibilities
# Appendix

## Contracting Offices

- Business Contracts and Brand Protection (BCBP)  
- Cal Performances  
- Construction & Design (formerly Capital Projects)  
- Human Resources  
- Intellectual Property & Industrial Research Alliances Office (IPIRA)  
- Media Relations (Office of Public Affairs)  
- Real Estate Development & Portfolio  
- Sponsored Projects Office  
- Supply Chain Management (SCM)  

## Contracting Office Consulting Partners

- Office of Legal Affairs  
- Risk Services  
- Information Security and Policy  
- Privacy Office  

## Additional Reference

- University of California Forms  
- Parties and Signatures  
- Sample of Required Terms and Conditions  
- Unrelated Business Income Tax (UBIT)  

## Acronyms  

## Index
We are here to:

• Partner with you as your advocate, anticipate your needs and set you up for success

• Provide highly trained individuals with expertise in a wide range of contracts
## Resources

| **Contracting at Berkeley Website** | [http://bcbp.berkeley.edu/contracting-berkeley](http://bcbp.berkeley.edu/contracting-berkeley) |
| **University of California, Berkeley Guide to Contracting** | Will be posted on the Contracting at Berkeley website |
| **Delegations of Authority**       | [http://compliance.berkeley.edu/delegation](http://compliance.berkeley.edu/delegation) |
| **Useful links**                   | [http://bcbp.berkeley.edu/contracting-portal/berkeley-contracting-links](http://bcbp.berkeley.edu/contracting-portal/berkeley-contracting-links) |
Thank you
“The Lawrence Hall of Science joined the group to give feedback from a client perspective. In the last fiscal year, the Hall had at least 277 business contracts spanning a wide range of types, dollar amounts and complexity.

Included were: agreements for publication, affiliation, intellectual property licensing, collaboration on products, exhibit rental, educational outreach, teacher inservice, and professional services.

Additionally, the Hall has extensive activity with hotel rentals, click-through terms, 3D films rentals, facilities permits, real estate leases, policy change implementations, forms revisions, and vendor contract term reviews.”

Susan Gregory, Deputy Director
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Training for each program is available on the respective websites