University of Colorado Denver
Procurement Contracts <= $5,000
Contract Matrix
Finance Office / PSC / OIA / University Counsel

School of Medicine Professional Development Workshop
February 28, 2013
Anschutz Medical Campus
Contracting Authority - APS

University of Colorado

ADMINISTRATIVE POLICY STATEMENT

Policy Title: Contracting Authority
APS Number: 2005

APS Functional Area: FINANCE

Brief Description: Sets forth the contracting authority of the University of Colorado and university requirements for the execution, approval, and monitoring of various types of contracts.

Effective: July 1, 2009
Approved by: Vice President and Chief Financial Officer
Responsible University Officer: Vice President and Chief Financial Officer
Responsible Office: Office of the University Controller
Policy Contact: The appropriate campus Controller, who will consult with the University Controller as appropriate, will respond to questions and provide guidance regarding interpretation of this policy. The Chief Procurement Officer will provide guidance regarding expenditure contracts for goods and services. Any exceptions to this policy must be approved by the University Controller.

Supersedes: See history.
Last Reviewed/Updated: June 1, 2009
A. Contract Authority, Delegation, and Limits

• An individual's authority to execute a contract on behalf of the University is only acquired through written delegation.

• A person's authority to execute a contract on behalf of the University must be confirmed in advance.
Contracts Authority – Campus Policy

University of Colorado Denver

Administrative Policy

Title: Signature Authority
Source: Finance Office
Prepared by: Jeffrey D. Parker
Associate Vice Chancellor for Administration and Finance
Approved by: Gregory V. Stiegmann, MD
Interim Chancellor, UCD
Effective Date: 06/30/06
Replaces: Signature Authority, June 28, 2004 (Downtown Campus)
Applies: All campuses

A. Introduction

Laws of the Regents and System Administrative Policy specify which individuals on each campus have signature authority to execute legal document on behalf of the University.
Policy Statement

- The Chancellor and the Chancellor’s designees are the only individuals authorized to sign legal documents.
Policy Statement

- Any University employee, including but not limited to: deans, associate deans, chairs, directors, principal investigators, faculty, professional research assistants, professional exempt, unclassified, and classified staff or students are not authorized under any circumstances to sign legal documents on behalf of the University unless the individual has been officially delegated signature authority by the Chancellor.
Policy Statement

- Unauthorized University employees who sign legal documents may become personally liable for the agreement and/or are subject to employment discipline.
# Contracting Authority - Matrix

## CU Denver Contract Signature Matrix

<table>
<thead>
<tr>
<th>Section</th>
<th>Table of Contents</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Procurement</strong></td>
<td><strong>Procurement Agreements</strong></td>
<td>I - 1</td>
</tr>
<tr>
<td><strong>II. Sponsored Programs</strong></td>
<td><strong>Grant Applications and Contract Proposals</strong></td>
<td>II - 2</td>
</tr>
<tr>
<td></td>
<td><strong>Award (Federal, State, Private, Clinical Trial)</strong></td>
<td>II - 2</td>
</tr>
<tr>
<td></td>
<td><strong>Subcontract</strong></td>
<td>II - 2</td>
</tr>
<tr>
<td></td>
<td><strong>Clinical Trial Confidentiality Agreements</strong></td>
<td>II - 2</td>
</tr>
<tr>
<td><strong>III. Technology Transfer</strong></td>
<td><strong>Invention Submissions Forms</strong></td>
<td>III - 3</td>
</tr>
<tr>
<td></td>
<td><strong>Material Transfer Agreements</strong></td>
<td>III - 3</td>
</tr>
<tr>
<td></td>
<td><strong>Confidential Disclosure Agreements</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td><strong>Licenses</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td>(a) <strong>Exclusive License</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td>(b) <strong>Non-exclusive License</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td>(c) <strong>Software License</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td>(d) <strong>Start-up License</strong></td>
<td>III - 4</td>
</tr>
<tr>
<td></td>
<td>(e) <strong>Exclusive Option License</strong></td>
<td>III - 5</td>
</tr>
<tr>
<td></td>
<td>(f) <strong>Biomaterials License</strong></td>
<td>III - 5</td>
</tr>
<tr>
<td><strong>IV. Revenue</strong></td>
<td><strong>Education Services - State Funded New or Continuing Programs (main campus)</strong></td>
<td>IV - 6</td>
</tr>
<tr>
<td></td>
<td><strong>Extended New Program and Non-Credit</strong></td>
<td>IV - 6</td>
</tr>
<tr>
<td></td>
<td><strong>Educational Services (Existing Program) - Extended Studies or Conferences</strong></td>
<td>IV - 6</td>
</tr>
<tr>
<td></td>
<td><strong>Educational Services - School of Education Division of Continuing and Professional</strong></td>
<td>IV - 6</td>
</tr>
<tr>
<td></td>
<td><strong>Education University Credit Request and Contract</strong></td>
<td>IV - 6</td>
</tr>
<tr>
<td></td>
<td><strong>Sales of Goods and Services</strong></td>
<td>IV - 6</td>
</tr>
</tbody>
</table>
## Contracting Authority – Matrix
Revised for OIA Business Review

### CU Denver
Contract Signature Matrix

<table>
<thead>
<tr>
<th>Section</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Procurement</strong></td>
<td></td>
</tr>
<tr>
<td>Procurement</td>
<td>I - 1</td>
</tr>
<tr>
<td>Procurement Agreements</td>
<td></td>
</tr>
<tr>
<td><strong>II. Sponsored Programs</strong></td>
<td>II - 2</td>
</tr>
<tr>
<td>Grant Applications and Contract Proposals</td>
<td>II - 2</td>
</tr>
<tr>
<td>Award (Federal, State, Private, Clinical Trial)</td>
<td>II - 2</td>
</tr>
<tr>
<td>Subcontract</td>
<td>II - 2</td>
</tr>
<tr>
<td>Clinical Trial Confidentiality Agreements</td>
<td>II - 2</td>
</tr>
<tr>
<td><strong>III. Technology Transfer</strong></td>
<td>III - 3</td>
</tr>
<tr>
<td>Invention Submissions Forms</td>
<td>III - 3</td>
</tr>
<tr>
<td>Material Transfer Agreements</td>
<td>III - 3</td>
</tr>
<tr>
<td>Confidential Disclosure Agreements</td>
<td>III - 4</td>
</tr>
<tr>
<td>Licenses</td>
<td>III - 4</td>
</tr>
<tr>
<td>(a) Exclusive License</td>
<td>III - 4</td>
</tr>
<tr>
<td>(b) Non-exclusive License</td>
<td>III - 4</td>
</tr>
<tr>
<td>(c) Software License</td>
<td>III - 4</td>
</tr>
<tr>
<td>(d) Start-up License</td>
<td>III - 4</td>
</tr>
<tr>
<td>(e) Exclusive Option License</td>
<td>III - 5</td>
</tr>
<tr>
<td>(f) Biomaterials License</td>
<td>III - 5</td>
</tr>
<tr>
<td><strong>IV. Revenue</strong></td>
<td></td>
</tr>
<tr>
<td>Education Services - State Funded New or Continuing Programs (main campus), Extended New Program and Non-Credit</td>
<td>IV - 6</td>
</tr>
<tr>
<td>Educational Services (Existing Program) - Extended Studies or Conferences</td>
<td>IV - 6</td>
</tr>
<tr>
<td>Educational Services - School of Education Division of Continuing and Professional Education University Credit Request and Contract</td>
<td>IV - 6</td>
</tr>
<tr>
<td>Sales of Goods and Services</td>
<td>IV - 6</td>
</tr>
</tbody>
</table>
Contracting Authority - Matrix

- Updated to require a business review by the Office of International Affairs (OIA)
  
  ✓ Prior to conducting any university activity outside of the United States
  ✓ Prior to formalizing any agreement or contract

- Significant compliance issues that vary between countries that could put the University at risk if not followed
  
  ✓ Hiring service personnel
  ✓ Foreign cash management
  ✓ Visa documentation
  ✓ Renting / leasing space
Contracting Authority - Matrix

- Contract Signature Matrix has been updated to require a business review by OIA for the following areas:
  - Procurement Agreements
  - Grant Applications & Contract Proposals
  - Awards (Federal, State, Private, Clinical Trials)
  - Subcontracts
  - Revenue Contracts (Educational Services, Sales of Goods & Services)
  - Clinical
  - Human Resources (International Hires Abroad, Personal Service Agreements)
  - Business Agreements (Affiliations, Joint Ventures, Equipment Support)

- Alana Jones, Director of Internal Operations (303-315-0036), alana.jones@ucdenver.edu is available to assist faculty, staff, and student in navigating through these various compliance issues
Procurement Contracts > $5,000

Individuals with Signature Authority:

- Procurement Service Center Purchasing Agent
- Director of Procurement Operations
- Assistant Vice President and Chief Procurement Officer
Procurement Contracts $\leq$ $5,000

Individuals with Signature Authority:

- Anschutz Medical Campus

  ✓ Departmental Administrator or Director of Finance and Administration
Procurement Contracts <= $5,000

Individuals with Signature Authority:

- Denver and Anschutz Medical Campuses

✓ The Dean of the applicable School/College many delegate signature authority to additional personnel as appropriate
TERMS IN PROCUREMENT CONTRACTS THAT SHOULD BE REVIEWED BY LEGAL COUNSEL

1. Arbitration
2. Attorney’s Fees
3. Choice of Law State other than Colorado or International Law
4. Confidential Information
   a. Colorado Open Records Act
   b. HIPAA
   c. FERPA
Procurement Contracts $5,000

TERMS IN PROCUREMENT CONTRACTS THAT SHOULD BE REVIEWED BY LEGAL COUNSEL

5. Exclusive Purchase Agreements

6. Indemnification

7. Insurance Requirements – Additional Insured
Procurement Contracts $5,000

TERMS IN PROCUREMENT CONTRACTS THAT SHOULD BE REVIEWED BY LEGAL COUNSEL

8. Intellectual Property – Name, logo, trademark, etc.

9. Limitation of Liability

10. Work for Hire
<table>
<thead>
<tr>
<th>Procurement Contracts &lt;= $5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEVER SIGN THESE TYPES OF CONTRACTS</td>
</tr>
</tbody>
</table>

1. Real Estates Leases (including storage lockers)

2. Procurement of Legal Services
Procurement Contracts $\leq 5,000$

NEVER SIGN THESE TYPES OF CONTRACTS

3. Personnel Service Contracts (Scope of Work)

4. License Agreement (Right to use property for a specific period of time)
Resources

- APS – Contracting Authority

- Campus Policy
  http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/Fiscal/SignAuth.pdf

- Campus Policy – Contract Matrix

- Campus Policy – Appendix A
  http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/Fiscal/SignAuthAppendixA.pdf
Resources

• Legal Counsel – Mary Stone 303-315-6617

• Procurement Service Center – Purchasing Agent

• OIA – Alana C. Jones, Director of International Operations 303-315-0036

• Finance
  ✓ Kim Huber, Campus Controller  303-315-2252
  ✓ Shaun McMullin, Deputy Controller 303-315-2270
Items to Remember

- Do not sign contracts unless you have specific signature delegation

- Forward contracts >$5,000 to the Procurement Service Center

- Contact OIA prior to conducting any university activity outside of the United States and prior to formalizing any agreement or contract

- Contact Legal Counsel when contract terms listed in Appendix A of the campus policy titled “Signature Authority” are present in your procurement contract
Questions