

Contracting at the University



University of Colorado
Denver | Anschutz Medical Campus

Contracting for Sponsored Projects

This course will provide an overview of how contracting works at the University. This includes an overview of the various types of contracts, how to determine what type of contract you have, the various offices that review each type of contract, and the flow of different contract routing systems.

Table of Contents

1. What are Contracts?	3
2. Monetary vs. Non-Monetary Agreements	3
3. Types of Monetary Agreements	4
4. Contact Type Determination and Responsible University Offices	8
5. The Role of Contracting Services	17
6. Contract Completion	19
7. Subcontracts	23
8. Who Can Sign Contracts?	27

Version Date: 18-11-09

1. What are Contracts?

A **contract** is a legally binding agreement between two parties. Anything that binds the University to the terms and conditions of an agreement is considered a contract. Under this broad definition, contracts include:

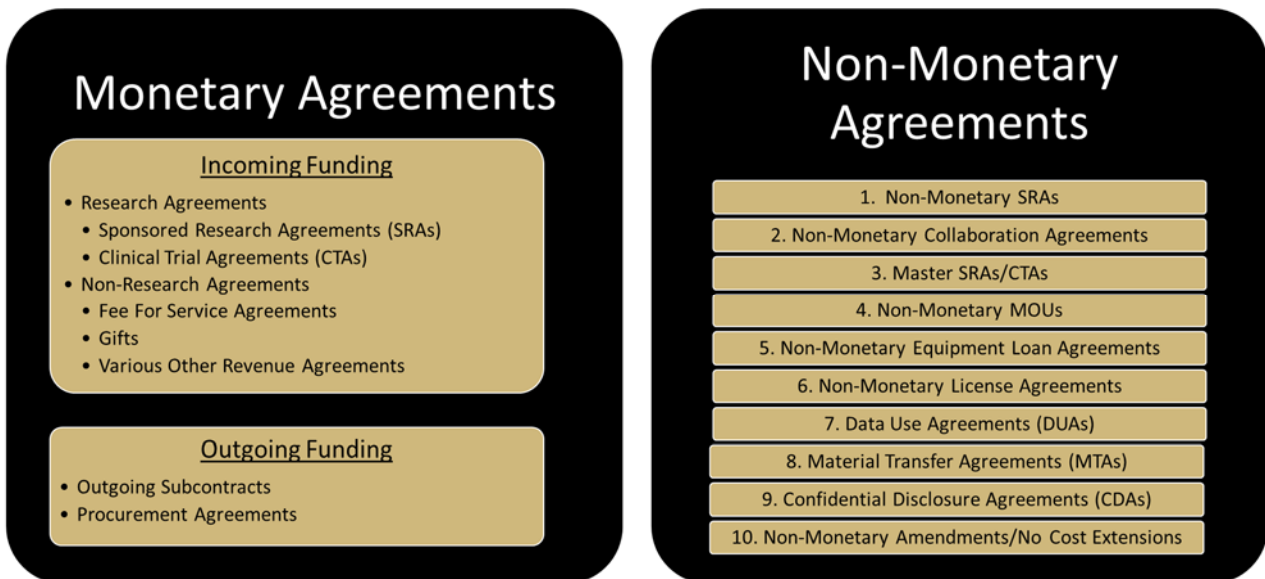
- Grants and cooperative agreements, from both the federal government and non-federal entities
- Federal procurement contracts
- Industry Contracts
- Foundation Grants
- Non-monetary agreements

The University processes many different types of contracts for a variety of projects and scenarios. While each project is unique, there are a few general categories that a contract will fall into. Most contracts fit into the category of sponsored project or fee for service arrangement. The type of contract drives a lot of things, including indirect (F&A) costs as well as which office has signature authority to review and execute the contract.

2. Monetary vs Non-Monetary Agreements

All agreements can be divided into two categories: monetary agreements and non-monetary agreements. **Monetary agreements** refer to the transfer of funds from one entity to another in order to accomplish specified objectives or goals. **Non-monetary agreements** may outline the conduct of a project or may provide the transfer of materials, supplies, or equipment.

The following graphic identifies the different types of agreements that fall into each of these two categories.



3. Types of Monetary Agreements

The University manages a wide variety of monetary agreements, with the most common types being:

- Sponsored Projects
- Fee for Service/Revenue Projects
- CU Medicine Contracts

Sponsored Projects

A sponsored project is an activity defined in scope and goal generally undertaken by University faculty, often with the involvement of students and staff, utilizing University facilities and equipment, and conducted with financial and/or other valuable support from an external sponsoring entity. Sponsored projects may include basic and applied research, scholarly activity, training, instruction and instructional design, public service, and other creative endeavors. Sponsored projects include Research Projects (defined below).

For sponsored projects, the sponsoring entity typically expects an outcome that either directly benefits the sponsor or serves a charitable or public purpose. The sponsoring entity usually requires the University to report on how the funds or other project resources were used and what progress was made toward accomplishing the goals of the project.

A project is typically a “Sponsored Project” if it involves:

- Federal Funding (with CFDA number), including Federal Flow Through
- State Funding
- Resources other than just Principal Investigator (PI) time, such as lab equipment or space on campus
- Multiple PIs
- Compliance/regulatory components (human/animal subjects, export control, etc.)
- An intellectual or scholarly contribution from University personnel
- A formal proposal or award document
- An itemized budget which may place restrictions on how funds can be spent and/or re-budgeted
- Cost-sharing in order to receive the funding
- A specific commitment regarding the level of personnel effort
- A fiscal report, activity report, and/or external audit during the course of the work or at the end of the project period
- A proposed agreement with the sponsor that provides for the disposition of tangible or intangible property
- Unexpended funds that must be returned to the sponsor at the end of the activity

Sponsored projects can be further divided into three main categories:

- Research Projects
 - Clinical Trials (A type of Research Project)
- Other Sponsored Projects

All sponsored projects must be routed using the Routing Form in InfoEd.

Research Projects provide funding to the University to conduct projects to uncover new and different trends or facts leading to a discovery. The pathway to discovery and the creativity of new ideas is in the hands of a PI and other University employees and usually starts as a proposal which outlines a promising area of inquiry. Such work is an investigation aimed at the discovery and interpretation of facts, revision of accepted theories in light of new facts, development of new analytical and experimental protocols, or practical applications of such new theories, analysis, data gathering and experiments.

A project is typically a “Research Project” if:

- The PI will develop any new methods to generate data for the project
- Work is testing a hypothesis generated by the PI
- The PI will use the data generated to recommend additional studies or next steps

Clinical Trials are considered a type of research project and are defined by the National Institutes of Health (NIH) and Food and Drug Administration (FDA).

The NIH defines a clinical trial as:

A research study in which one or more human participants are prospectively assigned to one or more interventions (which may be placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes.

The FDA defines a clinical trial as:

Any experiment that involves a test article and one or more human subjects and that either is subject to requirements for prior submission to the Food and Drug Administration under section 505(i) or 520(g) of the act, or is not subject to requirements for prior submission to the Food and Drug Administration under these sections of the act, but the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit. The term does not include experiments that are subject to the provisions of part 58 of this chapter, regarding nonclinical laboratory studies.

A research project that engages human subjects is not necessarily a clinical trial. The University follows the NIH and FDA definitions when determining if a research project is a clinical trial.

Clinical trials can be reviewed by different University offices depending on the exact scenario.

- If a clinical trial is industry sponsored, it is typically reviewed by the Clinical Research Administration Office (CRAO)
- If a clinical Trial is Federal, State, or Foundation/Non-Profit funded, it is typically reviewed by the Office of Grants and Contracts (OGC)

Other Sponsored Projects encompass projects that are sponsored based on the factors above, but not research-based. Examples of other sponsored projects include:

- Public/Community service
- Community Outreach projects
- Travel Grants
- Support for University Public Events

For federal awards, federal awarding agencies will generally require applicants to complete the SF-424 form for federal non-research awards and the SF-424 (R&R) form for federal research awards.



Significance

The type of sponsored project determines the applicable indirect (F&A) cost rate for the project. The University's indirect (F&A) cost rates can be found at:

http://www.ucdenver.edu/research/Research%20Administration%20Documents/FAGrid_2017_2018.pdf

Fee for Service/Revenue Projects

Projects that are not sponsored projects are in general fee for service or revenue projects.

Fee for service activities in academic settings generally encompass service projects for which an external client requests a deliverable generated using known practical applications of standard procedures and established theories, methods and standard experiments using special or unique University research capabilities. The results of such work are of specific interest to the client and normally involve a set fee according to a published rate schedule routinely charged to all potential customers, off-the-shelf tools and established protocols. Fee for service work does not require original, creative,

or scholarly analyses or non-standard interpretation of data sets by University faculty, staff or students engaged in the work.

A project is typically Fee for Service if it involves:

- The faculty member executing a scope of work that was created by an outside entity, and expected to do so without variation
- Work restricted to performance of previously published methods that are routinely executed by the faculty member and/or methods prepared by company for which standardized pricing is typically appropriate
- The faculty member being asked to analyze data generated and draw conclusions from those data that will not be used in research but will be used for outreach or extension project or reports
- A scope of work that describes routine or repetitive services
- Work that will require little or no intellectual or scholarly contribution on the part of the faculty member
- No new intellectual property expected to be developed in performing the work.
- No scientific uncertainty regarding the faculty member's ability to perform the work and provide the stated deliverables
- The faculty member is not engaging in significant interpretive analysis of resulting data or provide conclusions
- No expectation of the faculty member for publishing on the work or the data.
- A budget that is based on a fixed rate (for example, \$100 per sample analyzed)



Significance

Fee for service/revenue projects differ from sponsored projects in a number of ways, including:

- The University charges General Administrative Recharge (GAR) costs instead of indirect (F&A) cost rates
- There are less intellectual property protections for PIs
- Publications rights are limited for PIs

CU Medicine Contracts

If a faculty member has signed a Member Practice Agreement with CU Medicine, then certain non-sponsored project agreements must go through CU Medicine instead of the University. These include:

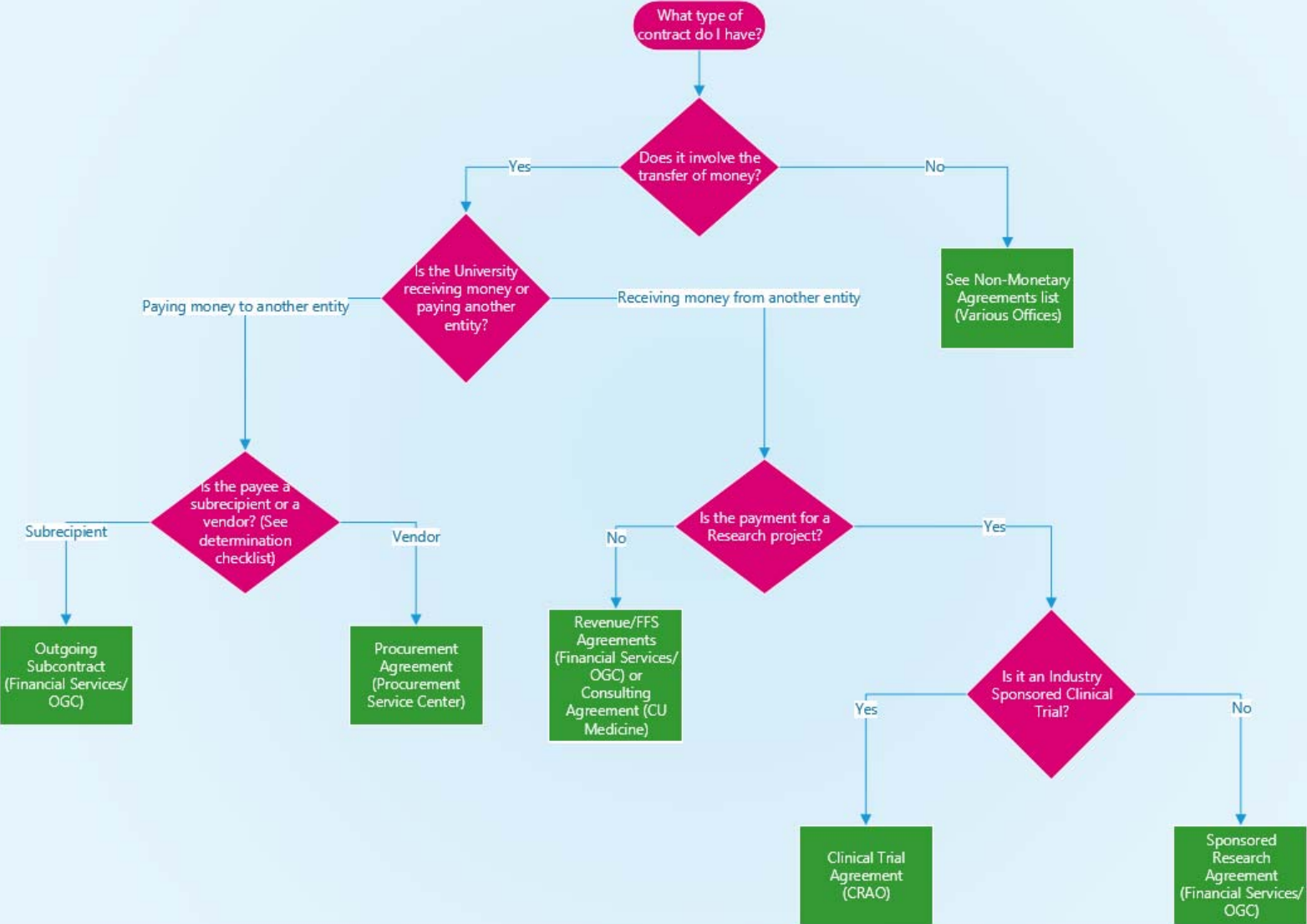
- Consulting Contracts. These are agreements for consultation services performed on behalf of an unaffiliated and typically for profit entity, whereby the faculty member is requested to give intellectual advice or an opinion on subject matter that may or may not be directly related to patient care. The payment is typically for a faculty member's time only and based on an hourly rate.

- Clinical Contracts. These are agreements other than managed care contracts specifically where the faculty member is providing patient care.
- Administrative. These are agreements when the faculty member is providing administrative (i.e., director of a clinic or lab, board member) support and not performing patient care services.
- Med Legal. These include contracts where the faculty member is providing a professional opinion to or for the benefit of an attorney, a judge or an administrative agency, whether in a judicial or an administrative proceeding or in contemplation of one, including serving as an expert witness.

4. Contract Type Determination and Responsible University Offices

The University office(s) responsible for reviewing and executing an agreement will vary depending upon the type of contract. The following flowchart can be applied in determining a contract type.

Contract Type Determination Chart



The following table identifies which University office is responsible for each type of agreement.

Financial Services/OGC	<ul style="list-style-type: none"> •All types of Agreements for Sponsored Projects, including Sponsored Research Agreements (SRAs), but excluding Industry CTAs •Outgoing Subcontracts (See Vendor vs. Subcontractor Guidelines) •Revenue/Fee For Service (FFS) Agreements •Equipment Loan Agreements (Incoming and Outgoing)
Clinical Research Administration Office (CRAO)	<ul style="list-style-type: none"> •Industry Sponsored Clinical Trial Agreements (CTAs) •Material Transfer Agreements (MTAs) •Confidentiality Disclosure Agreements (CDAs) / Non-Disclosure Agreements (NDAs)
CU Innovations (Formerly TTO)	<ul style="list-style-type: none"> •License Agreements •Inter-Institutional IP Agreements
Procurement Service Center (PSC)	<ul style="list-style-type: none"> •Outgoing Vendor/Procurement Agreements (See Vendor vs. Subcontractor Guidelines)
Office of Regulatory Compliance (ORC)	<ul style="list-style-type: none"> •Data Use Agreements (DUAs)/ Business Associate Agreements (BAAs)
CU Medicine (Formerly UPI)	<ul style="list-style-type: none"> •Member Practice Consulting Agreements
CU Foundation/Office of Advancement	<ul style="list-style-type: none"> •Gift Agreements (see Gift vs. Grant Guidelines)

The following table further breaks down the different agreement types by office, including a definition for each type of agreement, the office responsible for each agreement type, and the internal process for each type of agreement.

Agreement Type	Description	Department Responsible for the Agreement	Additional Information
Industry-Funded: Clinical Trial Agreement (CTA), Clinical Services Agreement (CSA)	<p>A CTA or CSA that is funded by a private industry and involves human subject research.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Investigational drug or device studies • Post-market studies • Medical record reviews • Observational studies • Registries • Industry funded multi-site incoming subawards • Research Collaboration Agreements • Amendments • Master Agreements • Ancillary agreements related to the above list 	Department: Clinical Research Administration Office (CRAO)	<p>Required Documents:</p> <p>(1) Protocol, (2) Editable version of the Contract, and (3) Sponsor Contact Information</p> <p>Intake System: The Human Subjects Research Portal. See link below:</p> <p>https://forms.ucdenver.edu/secure/rss_ra_ogc_ra</p>
Material Transfer Agreements (MTAs)	<p>A MTA is an agreement that covers the transfer of material such as cells, animals, other scientific material from one entity to another.</p> <p>*Please note that if an MTA involves more than the transfer of material, it may fall into another category.</p>	Department: CRAO	<p>Required Documents:</p> <p>(1) MTA Information Sheet (2) For MTAs where UCD is receiving material, the providing entity's MTA template.</p> <p>Intake System: The Human Subjects Research Portal. See link below:</p> <p>https://forms.ucdenver.edu/secure/rss_ra_ogc_ra</p>

Agreement Type	Description	Department Responsible for the Agreement	Additional Information
All other Contracts/ Grants (other than those above) related to Sponsored Projects	<p>This includes Industry contracts without Human Subjects and Non-Industry contracts (including government and non-profit) with/without human subjects. Examples include:</p> <ul style="list-style-type: none"> • Sponsored Research Agreements (SRAs) • Grants • Master Agreements • Incoming Subawards/Subcontracts • Fellowships • Interagency Agreements • Collaboration/Consortium Agreements • Amendments • No Cost Extensions • Ancillary agreements related to the above list 	Department: Office of Grants and Contracts	<p>Required Documents:</p> <p>(1) Protocol, <i>if applicable</i>, (2) Editable version of the Contract, and (3) Sponsor Contact Information</p> <p>Intake System: Info Ed (era.cu.edu) or email OGC.Contracts@ucdenver.edu</p>
Outgoing Subcontracts	<p>An outgoing subcontract is an agreement made between CU Denver and another institution or organization to perform an intellectually significant portion of the SOW (Statement of Work) under a CU Denver sponsored project.</p> <p>*This is distinct from agreements in which CU Denver is purchasing good or services (see Outgoing vendor/procurement agreements below).</p>	Department: Office of Grants and Contracts	<p>Required Documents:</p> <p>(1) Subcontract request form (2) Subrecipient commitment form (if applicable)</p> <p>Intake System:</p> <p>(1) Send via email to OGC.Subcontracts@ucdenver.edu</p>

Agreement Type	Description	Department Responsible for the Agreement	Additional Information
Revenue/Fee For Service Contracts	<p>This includes agreements related to revenue generating activities for CU Denver. Examples include:</p> <ul style="list-style-type: none"> • Consulting/Professional Service agreements not subject to the Member Practice Agreement (please check with your department administrator if you are unsure what this means) • Letters of Agreement/other contracts related to CU Denver hosted/accredited courses/programs/conferences • Internal Facility/Lab Use Agreements • Revenue agreements for on-campus service centers • External Building Use Agreements • Sponsorship Agreements • Amendments • Masters • Ancillary agreements related to the above list 	Department: Office of Grants and Contracts	<p>Required Documents:</p> <ul style="list-style-type: none"> (1) Contract (2) Sponsor contact email <p>Intake System: Send email to Denise.Queen@ucdenver.edu</p>
Equipment Loan Agreements	<p>This involves the loaning of equipment from one entity to another. This includes both agreements where CU Denver is loaning equipment or when CU Denver is borrowing equipment.</p>	Department: Office of Grants and Contracts	<p>Required Documents:</p> <ul style="list-style-type: none"> (1) Contract (2) Sponsor contact email <p>Intake System: Send email to OGC.Revenue@ucdenver.edu</p>

Agreement Type	Description	Department Responsible for the Agreement	Additional Information
Outgoing Vendor/Procurement Agreements	This includes agreements where CU Denver is paying another entity/individual for goods or services.	Department: Procurement Service Center (PSC)	Required Documents: (1) Contract from Vendor if provided (2) Creation of Marketplace requisition
License Agreements	License agreements are agreements between CU Denver and a commercial entity to grant rights to the company for the purpose of developing, making, and/or selling products based upon CU Denver's intellectual property	Department: CU Innovations (Formerly TTO)	Required Documents: (1) Contract (2) Name and contact info of collaborator (3) Contact information of other institution's technology transfer office (4) University of Colorado technology case number (if applicable) Intake System: Send email to cuinnovations@ucdenver.edu
Inter-Institutional IP Agreements	An agreement between academic institutions that dictates which institution will take point on intellectual property protection and commercialization.	Department: CU Innovations (Formerly TTO)	Required information: (1) Contract (2) Name and contact info of collaborator (3) Contact information of other institution's technology transfer office (4) University of Colorado technology case number (if applicable)

Agreement Type	Description	Department Responsible for the Agreement	Additional Information
Data Use Agreements/ Business Associate Agreements (BAAs)	Includes agreements related to the use of data that CU Denver is obtaining or allowing another entity to have access to.	Department: Office of Regulatory Compliance (ORC)	<p>Required Documents:</p> <ul style="list-style-type: none"> (1) Contract (2) Data Summary Sheet <p>Intake System: The Human Subjects Research Portal. See link below:</p> <p>https://forms.ucdenver.edu/secure/rss_ra_ogc_ra</p>
Member Practice Consulting Agreements	<p>This includes agreements related to consulting that are subject to a Member Practice Agreement CU Medicine (formerly UPI). Examples include:</p> <ul style="list-style-type: none"> • Consulting services • Clinical services 	Department: CU Medicine (Formerly UPI)	<p>Required Documents:</p> <ul style="list-style-type: none"> (1) Contract (2) Sponsor contact email <p>Intake System:</p> <ul style="list-style-type: none"> (1) Send via email to ContractProcessing@cumedicine.us (2) Please use the following format for subject line: Contract with (name of company) for (name of provider) (department)
Gift Agreements	<p>This includes agreements where CU Denver is receiving money as a gift, with no deliverables or strings attached.</p> <ul style="list-style-type: none"> • Gifts are typically donated by individuals/trusts/private or corporate foundations 	Department: Office of Advancement	<p>Contacts:</p> <p>CU Anschutz Advancement:</p> <p>Kyle Jaccud-Smith (Kyle.JaccudSmith@ucdenver.edu)</p> <p>Or</p>

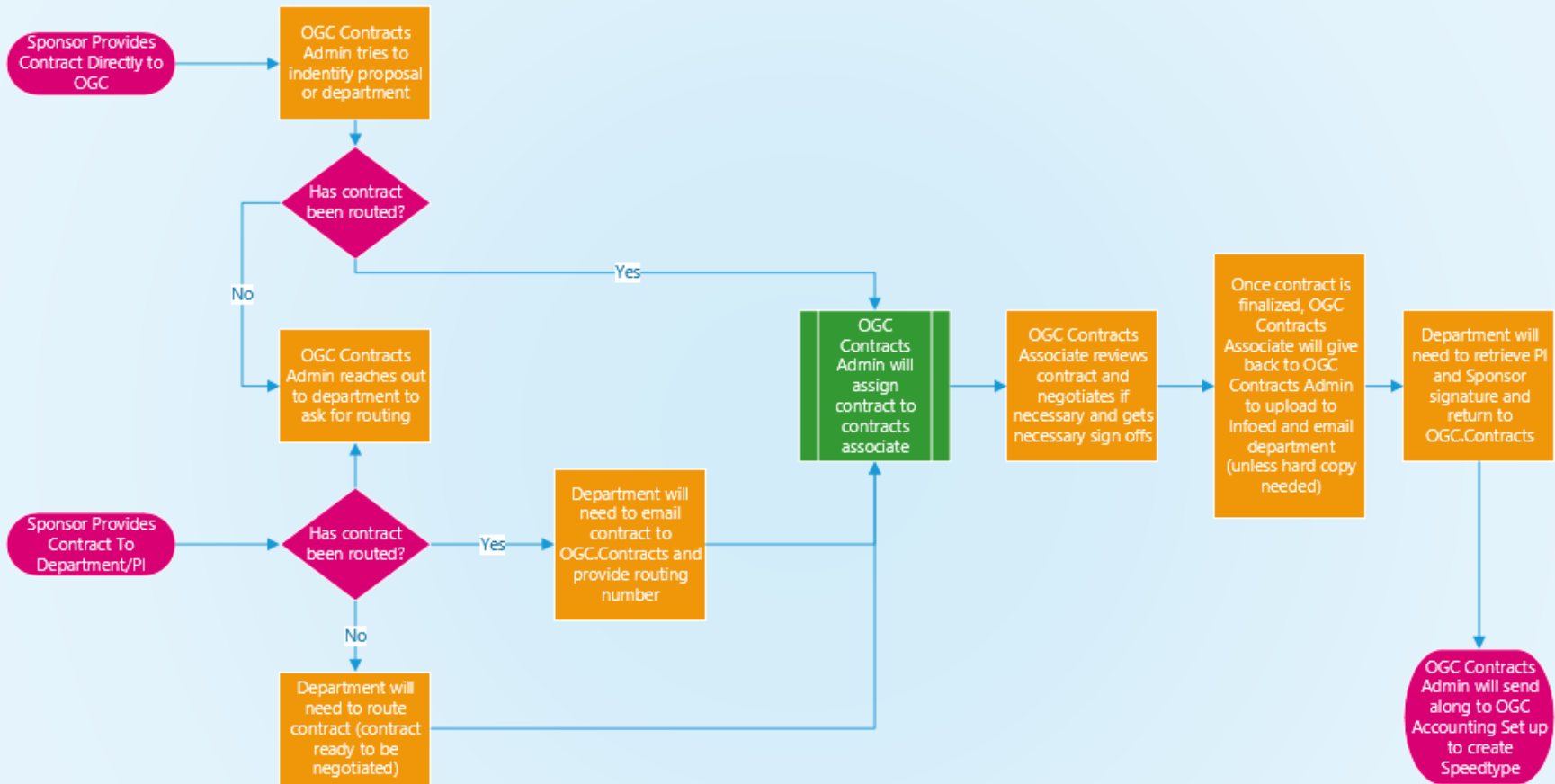
	<ul style="list-style-type: none">• Given with “no strings” attached (only report of the use of funds is expected)• Scholarships or educational aid (donor may not determine who receives funds) <p>*Please note that there is a fine line between gifts and grants. If unclear, please reach out to OGC.Contracts@ucdenver.edu</p>		<p>CU Denver Advancement:</p> <p>Anna Crawford (Anna.Crawford@ucdenver.edu)</p> <p>Or</p> <p>CU Foundation: Compliance@cufund.org</p>
--	--	--	--

5. The Role of Contracting Services and Sponsored Projects Routing

Contracting Services is an office within the Office of Grants and Contracts (OGC). Contracting Services is responsible for reviewing and executing incoming contracts (both Sponsored Project and Fee for Service) and outgoing subcontracts.

The following flowchart explains the process to route Sponsored Project contracts to Contracting Services and the internal process to review and execute contracts.

Sponsored Projects Contracts Routing

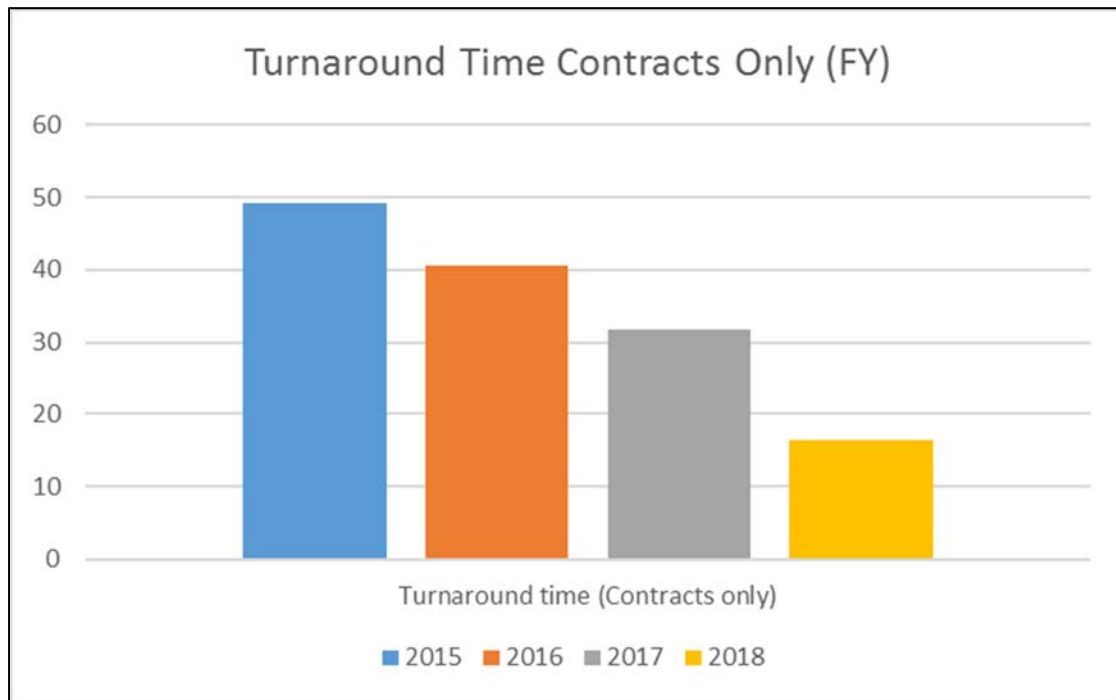


6. Contract Completion

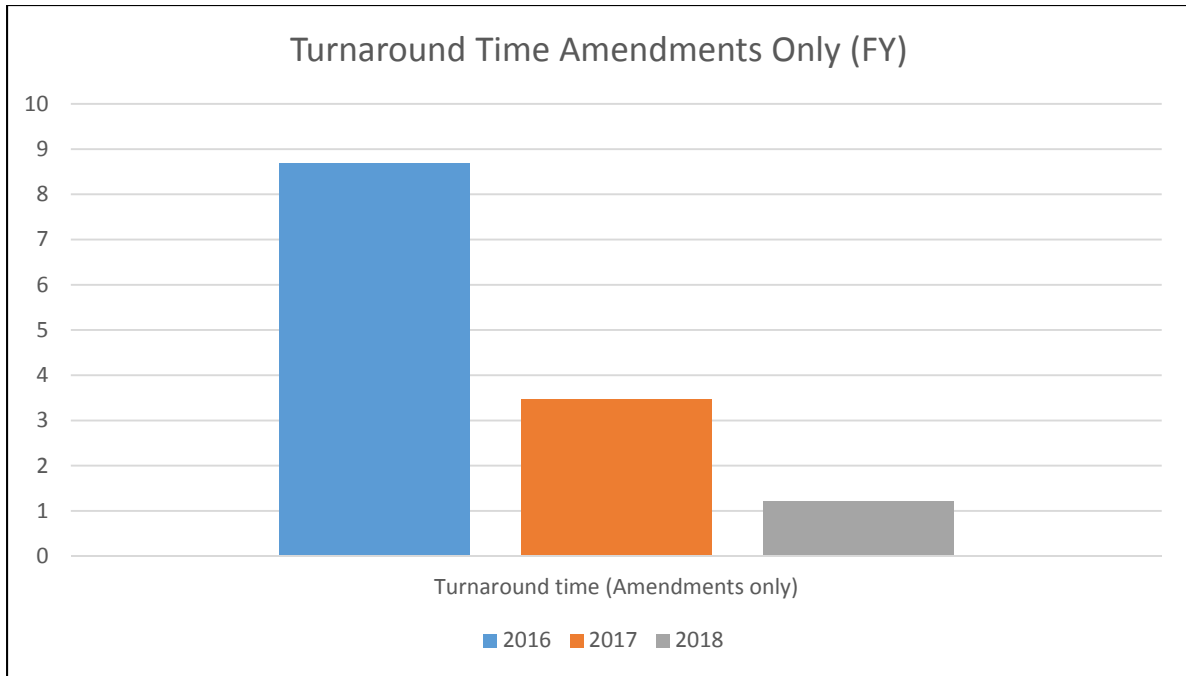
The time required for Contracting Services to finalize a contract is contingent upon numerous factors, including:

- The current volume of contracts being reviewed
- The complexity of the contract
- The number of other University offices involved with the agreement
- The sponsor's response time
- If the contract requires waivers or approvals from leadership, such as:
 - Governing law/foreign regulations (Controller and/or Legal Counsel)
 - Indemnification (Legal Counsel and/or Chancellor)
 - Publication rights (Vice Chancellor for Research)
 - Non-standard intellectual property terms (CU Innovations)
 - Indirect (F&A) cost rate (Chief Financial Officer)

The following chart identifies the historic processing time to review and finalize contracts.



Contracting Services also reviews and executes amendments to existing contracts. The following chart identifies the turnaround time for contract amendments.



For sponsored projects, you can review that status of your contract request by reviewing the proposal routing in InfoEd. The following screenshots from InfoEd show how to determine the status of a contract.

Proposal - Status History - Google Chrome

https://era.cu.edu/PTNET2/UI/status.aspx?projid=53AAA97E39DCE18DE053980412ACC4DA

Status	Date	Recorded Date	Recorded By	Delete
Awarded	28-Nov-2017	28-Nov-2017 01:17:52 PM	Tamara J. Hoegerl	
Comments:				
Award Received	29-Sep-2017	29-Sep-2017 04:02:52 PM	Marcella Pacheco	
Comments:				
To Birdsong, Elisabeth	13-Sep-2017	13-Sep-2017 01:06:10 PM	Sandra K Backus	
Comments: Agrmt				
Contract Received	13-Sep-2017	13-Sep-2017 01:06:01 PM	Sandra K Backus	
Comments:				
Grant Pending	25-Jul-2017	25-Jul-2017 03:28:13 PM	Alyssa Haberle	
Comments:				
Grant Return Processing	25-Jul-2017	25-Jul-2017 03:15:59 PM	Ms. Soumontha Chanthaphonh	
Comments:				
Grant Proposal Approved	25-Jul-2017	25-Jul-2017 03:15:54 PM	Ms. Soumontha Chanthaphonh	
Comments:				
Grant Proposal Supervisor Review	25-Jul-2017	25-Jul-2017 02:40:05 PM	David R. White	
Comments: Chanthaphonh, S				
Grant Proposal Supervisor Review	25-Jul-2017	25-Jul-2017 01:12:44 PM	Grant Garceau	
Comments: White, D. Late routing, truncated review				
Grant Proposal Review	25-Jul-2017	25-Jul-2017 09:55:44 AM	Alyssa Haberle	
Comments: White, D.				
Grant Routing Intake	25-Jul-2017	25-Jul-2017 09:50:19 AM	Nancy B Ellin	
Comments:				
In Routing	18-Jul-2017	18-Jul-2017 04:19:44 PM	Ms. Michelle Anne Haynes	
Comments:				
Routing Review - Returned to PI	18-Jul-2017	18-Jul-2017 08:35:56 AM	Ms. Danielle Alicia Brunner	
Comments:				
In Routing	11-Jul-2017	11-Jul-2017 12:03:48 PM	Ms. Michelle Anne Haynes	
Comments:				
In Development	06-Jul-2017	06-Jul-2017 11:44:02 AM	Ms. Michelle Anne Haynes	
Comments: Proposal Created				

Proposal - Agreement Detail - Google Chrome
 https://era.cu.edu/PTNET2/UI/agreementdetail.aspx?projid=53AAA97E39DCE18DE053980412ACC4DA&agreementid=64F210DD-3AFB-453D-9430-54400454A1FA

- Admin Staff
- Budget
- Agreements (1)
 - Agreement**
 - Assignments
- Communications (2)
- Attachments (7)
- Approvals (0)
- Snapshot
- Status History (15)
- Assignments
- Alerts/Reminders (0)
- Access
- ShortForm
- Distribution Groups
- Agreements (1)
- Awards (1)
- Financials (1)
- Approvals (0)
- Related Proposals (0)
- Deliverables (0)
- Scheduled Payments (0)
- Keywords (0)
- Classification Codes (0)
- Communications (2)
- Activity Log (7)
- Attachments (7)
- Contacts (1)
- Alerts/Reminders (0)

Elisabeth Birdsong Contract Title
Ames Monument: 3D Digital Documentation and HABS

Agreement Conditions

Agreement Comments

Agreement Status History

Agreement Status Partially Executed	Agreement Status History Date 08-Nov-2018
--	---

Agreement Status History Comments

You have characters left.

Date	Status	Recorded Date	Recorded By	Comments	Delete
26-Sep-2017	Partially Executed	10-Oct-2017 10:49:53 AM	Marlene Elisabeth Birdsong		
26-Sep-2017	Fully Executed	26-Sep-2017 02:32:15 PM	Sandra K Backus	To Accounting	
25-Sep-2017	Initial Sponsor Response	10-Oct-2017 10:49:43 AM	Marlene Elisabeth Birdsong		
22-Sep-2017	First Redline Sent to Sponsor	10-Oct-2017 10:49:36 AM	Marlene Elisabeth Birdsong		
22-Sep-2017	Reviewed	10-Oct-2017 10:49:29 AM	Marlene Elisabeth Birdsong		
13-Sep-2017	Received	13-Sep-2017 01:05:50 PM	Sandra K Backus	Ames Monument: 3D Digital Documentation and HABS	

Document Summary

No Documents Found

7. Subcontracts/Subawards (Outgoing)

Subcontracts are types of contracts in which the University is the recipient of a contract and then awards a portion of the funding from the original contract to another entity. Key terms in this scenario include:

- **Prime Contract.** This is the original contract or award made to the University. The Federal government refers to prime grants as prime awards.
- **Pass-through Entity.** When the University makes a subcontract to another entity, the University is as the pass-through entity. As a pass-through entity, the University assumes the roles and responsibilities of both the award recipient and sponsor.
- **Subrecipient.** The entity receiving the subcontract from the University is known as the subrecipient.

Subcontracts may be made with both federal funds and non-federal funds.

Requirements for federal subcontracts are generally more stringent than non-federal subcontracts. Before making a subcontract with federal funds, the University:

- Must determine if the relationship between the University and the other non-federal entity constitutes a vendor or subrecipient relationship, as described at 2 CFR 200.330
- Conduct a risk assessment on the proposed subrecipient to evaluate and mitigate potential risk to federal funds

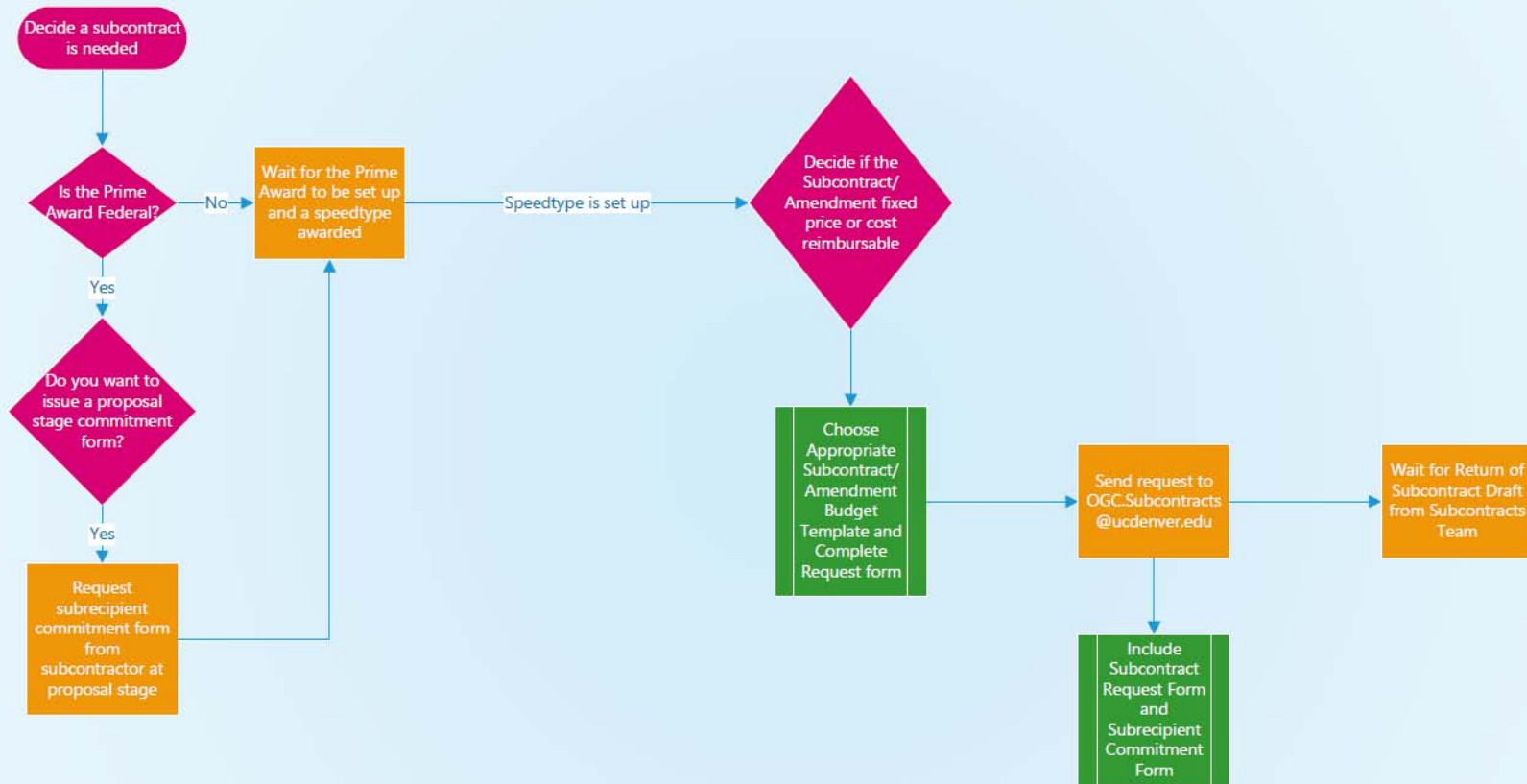
The following image is from OGC’s Contractor vs. Subrecipient Checklist that is used to determine the relationship between the University and third parties.

SUBRECIPIENT: A subaward is likely appropriate if answers to the following questions are “Yes”.		
YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	1. The Scope of Work (SOW) represents an intellectually significant portion of the programmatic effort of the overall project.
<input type="checkbox"/>	<input type="checkbox"/>	2. Has its performance measured in relation to whether objectives of a Federal program are met.
<input type="checkbox"/>	<input type="checkbox"/>	3. Has responsibility for programmatic decision making.
<input type="checkbox"/>	<input type="checkbox"/>	4. Is responsible for adherence to applicable Federal program requirements specific in the Federal award.
<input type="checkbox"/>	<input type="checkbox"/>	5. Uses Federal funds to carry out a program for a public purpose specified in an authorizing statute as opposed to providing goods or services for the benefit of the pass-through entity
CONTRACTOR: A contract is for the purpose of obtaining goods and services for the non-Federal entity’s own use and creates a procurement relationship with the contractor.		
YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	1. Provides goods and services within normal business operations.
<input type="checkbox"/>	<input type="checkbox"/>	2. Provides similar goods and services to many different purchasers.
<input type="checkbox"/>	<input type="checkbox"/>	3. Operates in a competitive environment.
<input type="checkbox"/>	<input type="checkbox"/>	4. Provides goods or services that are ancillary (secondary) to the operation of a Federal program.

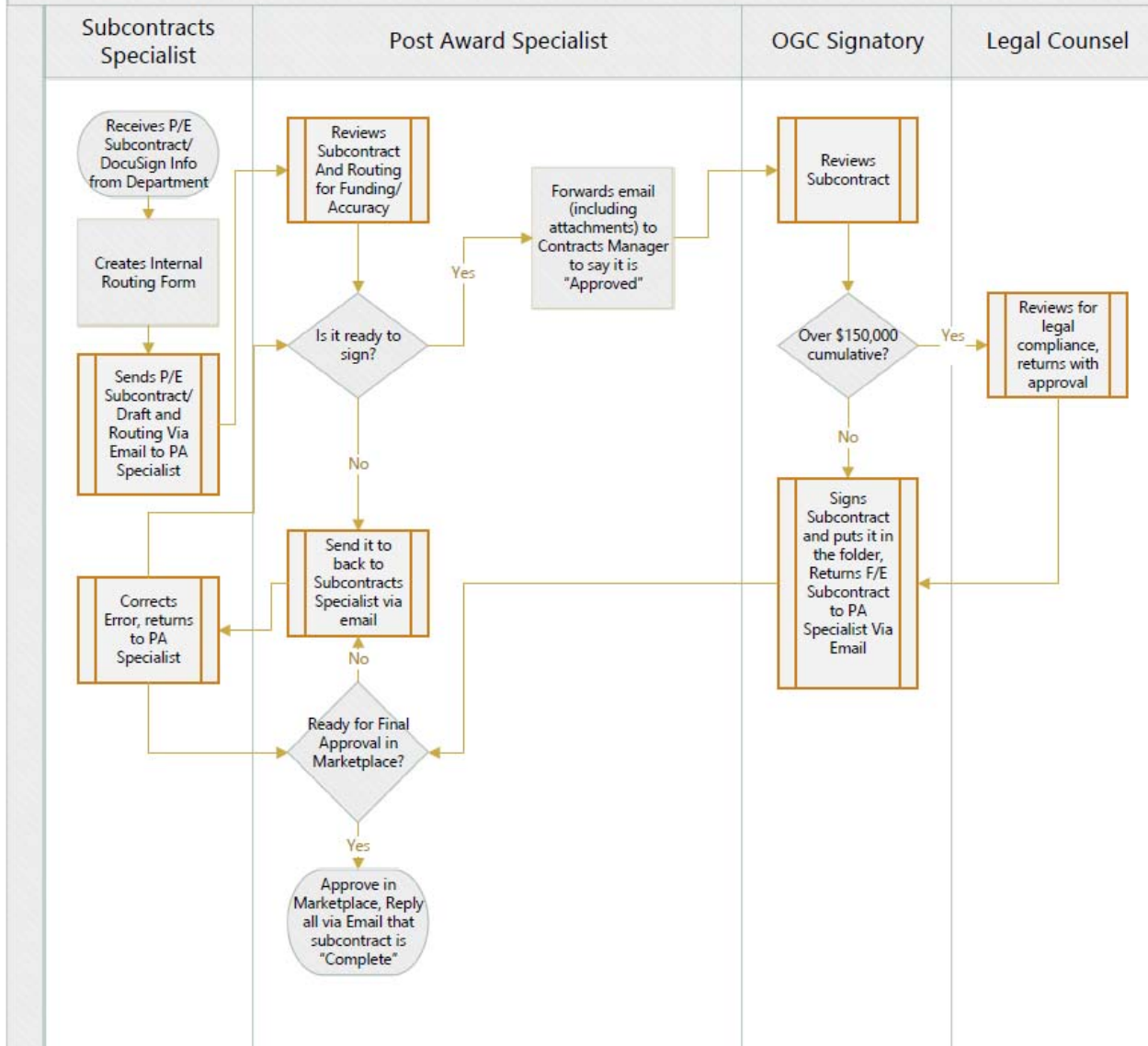
As a pass-through entity, the University is responsible for ensuring subcontractors are in compliance with the award terms and condition and federal statutes, regulations, and requirements. This responsibility is shared between OGC and the PI and their respective administrative unit. Post award subrecipient monitoring requirements are explained in 2 CFR 200.331.

Contracting Services is responsible for drafting subcontracts. The following graphics depicts the subcontracting processes at the University.

Subcontract (Outgoing) Request Process



Subcontracts Internal Execution Process



8. Who Can Sign Contracts?

An executed agreement between the University and another entity is legally binding on both parties. Failure to adhere to the terms and conditions of the agreement may not only hurt the reputation of the principal investigator and University, but may also result in administrative, civil, and/or criminal sanctions. Therefore it is critical that the terms and conditions are carefully reviewed before the University executes an agreement.

To limit the liability and potential risk to the University, only a handful of employees are legally authorized to sign an agreement on behalf of the University. Those individuals are sometimes referred to as **Authorized Organization Representatives (AOR)**.

Signatories for various contract types can be found on the University's Contract Signature Matrix, which is located at:

http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/Fiscal/Contract_Matrix.pdf



Significance

It is absolutely critical that only the University's authorized employees sign agreements. Principal investigators do not have the authority to sign agreements and may expose both the University and themselves to liability.

The University of Colorado Boulder created a video explaining why the University's AOR must sign a contract. The video is found at:

<https://www.colorado.edu/ocg/signature-authority>.