



## Types of Agreements

*This flyer describes the types of agreements most frequently used by Berkeley Law faculty and administrators. For more information, refer to [Contracts and Grants](#) on the Berkeley Law website.*

### SPONSORED PROJECTS

The campus **Sponsored Projects Office** handles sponsored projects, defined as a short-term activity, typically lasting from one to five years, supported by funds from government, non-profit, industry and business sponsors. These funds are provided with the understanding that the University – through the work carried out by Berkeley Law faculty, staff and students – will help the sponsor accomplish its goals. Sponsored project agreements typically seek reimbursement from the sponsor for costs directly related to performance.

The campus **Industry Alliances Office** manages sponsored activities with industry, including funded and unfunded industry collaboration agreements, material transfer agreements, research proposals submitted to an industry sponsor, research agreements funded directly by an industry sponsor, contracts established between an industry sponsor and the University, membership agreements/industry affiliates agreements and marketing board agreements.

#### Grants

Grants are the most common type of sponsored agreement. Grants are awarded for research or program activities described in an approved proposal and are used when the sponsor has no substantial programmatic involvement during the performance of the project.

#### Contracts

Contracts are used when the principal purpose of the agreement is to provide tangible results or other deliverable items, or to carry out a specific service for the direct benefit or use of the sponsor.

#### Cooperative Agreements

A cooperative agreement is used when the purpose is similar to that of a grant and when there will be substantial programmatic involvement of, or coordination by, the sponsor during the project.

#### Subawards

A collaborative subaward is used when a portion of the research project or program activity will be performed by, and a portion of the sponsored award paid to, another institution or organization. This type of agreement can be in the form of a subgrant, subcontract, or subagreement. Subawards are consistent with the terms and conditions of the primary award.

### BUSINESS CONTRACTS

The campus **Business Contracts and Brand Protection** office handles agreements that generate revenue, support continuing or professional education, and establish student internships. BCBP also handles agreements that **do not involve** research, professional or scholarly training/instruction, services related to research or professional or scholarly training/instruction, industry funding, human or animal subjects research, effort reporting, cost sharing, travel or entertainment, real estate leases, or purchasing; and agreements that **do not include** terms and conditions requiring monitoring and reporting by Extramural Funds Accounting.

#### Examples of Berkeley Law Agreements Negotiated by BCBP:

- Student law journal copyright licensing agreements (*managed by the Law Journal Administrator*)
- East Bay Community Law Center affiliation agreement (*supports professional education*)
- Contracts to provide consulting and other services to external organizations and institutions

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### INDEPENDENT CONTRACTOR AND SUPPLIER AGREEMENTS

Campus **Supply Chain Management** (formerly *Procurement Services*), through BearBuy, executes all independent contractor agreements for businesses and individuals providing goods and/or services to Berkeley Law. These services differ from subawards in that they are commonly provided by the contractor/supplier as a normal part of their business operations, the contractor/supplier provides these goods/services to other purchasers, they compete with other similar entities to provide their services, and the goods/services are secondary to the central purpose of the project.

Support for independent contractor and supplier agreements in Berkeley Law is provided by our CSS RA Liaison when related to sponsored award activity or business contracts, and by CSS Business and Financial Services for all other purposes.

### MEMORANDUM OF UNDERSTANDING/COLLABORATION AGREEMENT

A memorandum of understanding (MOU) is an agreement that specifies mutually agreed-upon expectations between two or more entities to collaborate on a project, with or without an exchange of funds. MOUs take many forms and may be referred to by other titles, such as Memorandum of Agreement. MOU's carry the same obligations as contracts, so the PI should not enter into such agreements without prior review by the appropriate central office.

Support for MOUs in Berkeley Law is provided by our CSS RA Liaison when related to collaborative research, and by the Chief Financial Officer for all other purposes.

### REAL ESTATE LEASES – FACILITY USE PERMITS

The campus **Real Estate Services Office** executes real-property rental agreements and leases in which the Regents are a tenant or landlord. This office also handles Facility Use Permits - contracts that allow outside groups to use campus facilities or allow campus groups to use facilities at off-campus locations.

Support for real estate leases and Facility Use Permits in Berkeley Law is provided by our CSS RA Liaison when related to sponsored award activity, and by Berkeley Law Business Services for all other activities.

### RESEARCH GIFTS

The Berkeley Law **Alumni Center** processes all incoming gifts, including research gifts, made by donors to Berkeley Law faculty and programs.

Support for research and other types of gifts in Berkeley Law is provided by Alumni Center development officers.

### OFF-CAMPUS EVENT FACILITIES AGREEMENTS

Campus **Supply Chain Management** executes all off-campus event facilities contracts, such as **agreements with hotels and caterers** for Berkeley Law events, regardless of fund source, via the BearBuy Off Campus Events form. Campus Risk Services no longer handles these types of agreement as of February 15, 2015.