UCSB
Business & Financial Services
Procurement

Services (Revenue) Agreements vs. Research
C&G Liaison Mtg – 12/12/2014

Presented By: Calli Price
Agenda

- Overview
- Research vs. Services
- Service Agreement Requirements
- Where to get help
Overview

More than half the Agreements coming into Procurement Services now are Revenue based.

Most are for:

- Labs (facility use and “remote” work)
- UC-owned Software Licenses

…and Others….

- walk a fine line between Research and Services
I'm a little Stressed right now...

(just turn around and leave quietly and no one gets hurt.)

www.dp.net.my/blog
One of my PI’s researches the effects of drugs on lab animals. He is approached by Salient Inc., a new drug company that wants him to provide raw data on the skin samples Salient provides. Salient will analyze the results. There is a chance your PI will make a discovery.

Is this Research or Services?
Services vs. Research (Scenario)

Questions to ask your PI:

- Is he using University property to conduct the work?
- Who will ultimately own the Intellectual Property?
- Is he analyzing the data he collects?
- Does he provide similar work for other entities?
- Is he collaborating with the requesting entity?
Services vs. Research

Services

- The contract is with an Individual or sole proprietor
- The goods/services are routine and/or “off-the-shelf”
- The UC provides similar goods or services to many purchasers/clients (i.e. performing tests and providing results for client to analyze)
- The UC’s SOW does not reflect a specific, clearly defined, intellectually significant part of the research and SOW of the client’s work or award.
- The UC will not be an “inventor” because we are working at the direction of the client
- No collaboration
- The UC does not have “programmatic decision-making” responsibilities
- No potential for patentable or copyrightable technology to be created through project
Services vs. Research

Research

- Potential for patentable, publishable, or copyrightable technology to be developed/created through the project
- The UC’s involvement represents an intellectually significant portion of the overall programmatic effort
- The UC has responsibility for programmatic decision making
- Need for animal and/or human subjects
- Collaboration exists with the possibility of the UC creating/developing IP
- The UC has responsibility for adherence to applicable Federal program compliance requirements
- The UC completes work promised and analyzes results found (Services Agreement is no analysis or discretionary judgment)
- Publication of results expected, as author or co-author
- Provides any cost sharing or matching funds
Service Agreement Requirements

- If your department wishes to contract for UC-provided services (revenue to your department), you will need a Rate and Recharge package or approval through Budget and Planning prior to contract execution.
Service Agreement Requirements


  **Budget & Planning** is working on getting more Guidance documentation out to the campus.
Service Agreement Requirements

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- Procurement will ask for a completed Form B with new Service Agreement requests

  www.bfs.ucsb.edu/files/forms/FormB.pdf
Who Can Sign/Approve a Contract?

- A contract signed by anyone without a Delegation of Authority is **void**, because Implied Authority is **inapplicable at the UC**.

- The Board of Regents delegates to each Chancellor the authority to execute contracts. UCSB’s Chancellor delegated ONLY the following individuals to sign agreements on behalf of the Regents:
  
  Pam Lombardo  
  Jacob Godfrey  
  Kimberly Tapia  
  Daniel Sweeney  
  Jim Corkill  
  Calli Price  
  Ron Betancourt
Where to get help

Contracts
Calli Price, Procurement Services Manager, Conflict of Interest, Contract questions x3723
Karen Jeffers, Contracts Coordinator x4670
contracts@bfs.ucsb.edu
http://www.bfs.ucsb.edu/procurement/contracts-property

Income & Recharge Guidelines
Todd Lee, Assoc. Chancellor, Budget & Planning x2169
Alan Williams, Budget & Planning Analyst x5989
http://bap.ucsb.edu/Income_and_Recharge.html