
January 11, 2019

To: Contracts and Grants Directors

Subject: California Model Agreement Exemption Requests for UC-initiated Activities that Are Not Contingent on State Funding

Previous RPAC memos discuss California Education Code §67325 et seq., which established the requirement for state agencies to use the California Model Agreement (CMA) when awarding contracts or grants to University of California (UC) or California State University (CSU) campuses for research, training or service activities. [RPAC Memo 16-01 State of California Model Agreement \(formerly the AB20 Model Agreement\)](#) and [RPAC Memo 17-06 State of California Model Agreement 2017 Update](#) provide details on the CMA.

Originally implemented on January 1, 2016, the CMA substantially transformed and streamlined the processes of proposing, accepting and administering contracts and grants from state agencies. During the past three years, 33 UC and CSU campuses, and dozens of state agencies, have endeavored to adopt the new processes and templates. During that time, the Department of General Services (DGS), on behalf of the State, UCOP-RPAC on behalf of UC campuses, and the CSU Chancellors Office on behalf of CSU campuses (the Parties) have collaborated to address issues, both predicted and unforeseen, arising from the implementation of the CMA. The legislative intent behind AB20 (the assembly bill precursor to California Education Code 67325 et seq.) aimed to reduce execution timelines and disparate project management terms through the use of a standardized, and universally adopted boilerplate, thereby optimizing the limited resources of state and university contracting offices. To a great extent, the CMA has achieved these goals.

While a large part of implementation efforts have been directed toward consistency among agency agreements, agencies and university campuses have identified certain occasional instances where use of the CMA would increase, rather than decrease, administrative burden. The law provides latitude, contingent upon mutual concurrence of the Parties, to forego use of the CMA for certain types of agreements. Per [California Education Code §67327\(d\)](#):

The Department of General Services and the University of California or the California State University, in consultation with state agencies and departments that have contracts with the University of California or the California State University, may determine those types of contracts for which the use of the model contract would be inappropriate or inadequate.

Considering the collective experience of campuses and state agencies evaluated by the Parties since implementation, the Parties agree that the CMA may be unnecessarily burdensome, and therefore inappropriate, in instances where the following three criteria are met:

1. The UC or CSU campus is conducting an independently initiated activity not for the direct benefit of a state agency,
2. A state agency wishes to contribute some financial support for such activity, *and*
3. The UC or CSU campus would conduct the activity regardless of whether or not the state contributed such financial support.

Examples of activities that could meet the criteria established above are:

- Campus-hosted events for broad public benefit, such as career fairs and art, entertainment, or cultural events; and
- Existing residency and fellowship programs administered at University campuses, resulting in the ability to enroll more participants.

In contrast, these criteria are not intended to include state agency awards for matching funds or equipment necessary to meet a third party sponsor obligation.


For activities meeting the criteria established herein, campuses may consider requesting, and UCOP-RPAC is likely to support, an exemption from the requirement to use the CMA, subject to existing campus protocols for agreement review, negotiation and execution.

The process to request such an exemption is outlined in the CMA Guide. For purposes of this memo, a campus may request an exemption by submitting a written request to RPAC, identifying the project and representing that the project meets the criteria listed herein. RPAC will seek concurrence from CSU and DGS and provide either a formal approval or a rejection with explanation to the campus.¹

Contacts

Randi Jenkins
randi.jenkins@ucop.edu
(510) 987-9713

Ruchika Dhussa
Ruchika.dhussa@ucop.edu
(510) 987-0194



Janna Tom
Director
Research Policy Analysis & Coordination

¹ In the event that a state agency, instead of the campus, seeks an exemption, DGS will notify RPAC who will consult with the campus prior to approving or rejecting such exemption.