Gifts for Research and Acceptance of

Brief

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<th>Title:</th>
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BRIEF

Policy Summary

In order to provide access to additional funding sources, the President of the Regents of the University of California has delegated authority to the Director of Lawrence Berkeley National Laboratory (Berkeley Lab) to solicit and accept monetary and equipment gifts not exceeding $100,000. Acceptance of individual gifts exceeding $100,000 requires authorization from the University of California Office of the President (UCOP).

Who Should Read This Policy

Anyone involved with accepting gifts for research at the Laboratory

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Gift Coordinator
gifts@lbl.gov

Policy

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POLICY

A. Purpose

The purpose of this policy is to enable acceptance of funds or equipment from donors that are used to further the mission of Lawrence Berkeley National Laboratory (Berkeley Lab) and to enable the use of gifts received by the Regents of the University of California.

The President of the Regents of the University of California has delegated authority to the Director of Berkeley Lab to solicit and to have final authorization to approve of monetary or equipment gifts not exceeding $100,000. Acceptance of individual gifts exceeding $100,000 requires additional authorization from the University of California Office of the President (UCOP). This delegation is subject to the following conditions:

- Gifts are accepted in the name of, and ownership rests with, the Regents of the University of California (UC).
- Gifts must be solicited, accepted, administered, documented, and reported in accordance with applicable UC and Berkeley Lab policies and procedures.
- Gift funds expended at Berkeley Lab are subject to the conditions set forth in the following: Contract 31 Clause P.10; and “DA2588 – Delegation of Authority – To Solicit and Accept Gifts” letter, which sets in place policy that requires Berkeley Lab to seek direct approval from the President of UCOP for individual gifts above $5 million.

B. Persons Affected

Anyone involved with accepting gifts for research at Berkeley Lab
C. Exceptions

Not applicable

D. Policy Statement

General

A gift imposes no contractual requirements and is given irrevocably. The proposed gift must support the scientific mission of Berkeley Lab. A gift from nongovernmental entities earmarked for a specific research area or for a principal investigator is subject to the financial disclosure provisions of the Political Reform Act of 1974. Questions regarding these provisions should be referred to the Berkeley Lab Conflict of Interest Coordinator.

All proposed projects under the Program will be reviewed and approved by the DOE Contracting Officer based on the following criteria:

- Berkeley Lab will provide a Brief Work Scope Description.
- The work shall be on a non-interference basis with DOE directed work.
- The work enhances the capabilities of Berkeley Lab to continue to perform its mission or create new capabilities consistent with overall needs of DOE.
- Berkeley Lab will not knowingly use its access to the Laboratory facilities under this program to compete with the private sector.
- Berkeley Lab will not use any funds pursuant to this program to augment any federally funded research.
- Berkeley Lab will not knowingly pursue any projects that include facilities or equipment that would create more than a nominal future burden on DOE resources to maintain and/or operate.

Monetary Gifts

All monetary gifts of $100,000 or less require approvals in the following order with final notification to UCOP:

1. Appropriate divisional approvals
2. Lab's Innovation and Partnerships Office (IPO) Contracts Officer (Gift Coordinator) approval
3. DOE's Berkeley Site Office (BSO) approval
4. Berkeley Lab Director approval
5. UCOP notification

All monetary gifts above $100,000 require approvals in the following order and final approval by UCOP:

1. Appropriate divisional approvals
2. IPO Contracts Officer (Gift Coordinator) approval
3. BSO approval
4. Berkeley Lab Director approval
5. UCOP approval

No charges may be incurred on monetary gifts until final approval is provided and the Gift Coordinator notes the final approval in the gift processing system in eSRA.

All funds expended shall be under the same terms and conditions as federally expended funds and treated as institutional research and development for cost accounting purposes.

Equipment Gifts

All equipment gifts of $100,000 or less require approvals in the following order with final notification to UCOP:

1. Appropriate divisional approvals
2. IPO Contracts Officer (Gift Coordinator) approval
3. Environment/Health/Safety (EHS) safety approval
4. BSO approval
5. Berkeley Lab Director approval
6. Notification to UCOP

All equipment gifts above $100,000 require approvals in the following order with final approval by UCOP:

1. Appropriate divisional approvals
2. IPO Contracts Officer (Gift Coordinator) approval
3. EHS safety approval
4. BSO approval
5. Berkeley Lab Director approval
6. UCOP approval

To the extent possible, equipment is to be delivered in the Receiving Department. See also Section D.13, *Property Acquired as a Gift*, of the Personal Property Management Policy.

Equipment gifts become the property of the Regents of the University of California and should be tagged as "Property of Others" by Berkeley Lab Property Management.

Equipment gifts cannot be delivered or brought to Berkeley Lab until the gift is officially approved/accepted by the Laboratory and the Gift
Coordinator notes the final approval in the gift processing system in eSRA.

In the event that Berkeley Lab has equipment on site through a borrow agreement with an external organization, and the organization determines at the end of the borrow agreement to allow the Laboratory to keep the equipment, the above equipment gift procedures should be followed.

Guidance on procedural steps can be found in the Equipment Gift Procedural Requirements.

### E. Roles and Responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
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</table>
| Gift Coordinator                  | • Reviewing and monitoring gift proposals and awards to ensure compliance with UC and Berkeley Lab policies.  
                                           • Processing all gifts in eSRA ensuring compliance with the Equipment/Monetary Gift Procedural Requirements. |
| Principal Investigator (PI)       | • Ensuring that gift-funded work involving humans or animal subjects would not begin until appropriate Berkeley Lab/UC approvals have been obtained.  
                                           • Making certain that work involving gift funds shall be on a non-interference basis with DOE-related work.  
                                           • Ensuring work involving gift funds enhances the capabilities of Berkeley Lab to continue to perform its mission or create new capabilities consistent with overall needs of DOE.  
                                           • Ensuring that Berkeley Lab will not knowingly use its access to Laboratory facilities under this gift to compete with the private sector.  
                                           • Confirming that Berkeley Lab will not use any funds pursuant to this gift to augment any federally funded research.  
                                           • Ensuring that Berkeley Lab will not knowingly pursue any projects with this gift that include facilities or equipment that would create more than a nominal future burden on DOE resources to maintain and/or operate.  
                                           • Confirming that the gift is not intended to be a Strategic Partnership Project (SPP) or Cooperative Research and Development Agreement (CRADA), nor will it be used for work that is related to a current SPP, CRADA, User Agreement, or DOE Direct Funded Project  
                                           • Confirming that the PI is not debarred, suspended, proposed for debarment or voluntarily excluded from current transaction by a federal agency or departments.  
                                           • Confirming that the gift is not a SPP or CRADA and will not include work that is related to an existing SPP, CRADA, User Agreement, or DOE direct funded project.  
                                           • Determining project appropriateness to Berkeley Lab and DOE.  
                                           • Considering the possible reassignment or termination of key personnel from Berkeley Lab’s primary research programs.  
                                           • Determining requirements for and availability of space, support, and equipment.  
                                           • Ensuring compliance with Berkeley Lab, DOE, and University policy.  
                                           • Evaluating the proposal in light of any Conflict of Interest declaration.  
                                           • Assuring the safety of personnel and protection of the environment. |
| Division Director/Head            | • Ensuring that the gift is not a SPP or CRADA and will not include work that is related to an existing SPP, CRADA, User Agreement, or DOE direct funded project.  
                                           • Determining project appropriateness to Berkeley Lab and DOE.  
                                           • Considering the possible reassignment or termination of key personnel from Berkeley Lab’s primary research programs.  
                                           • Evaluating the proposal in light of any Conflict of Interest declaration.  
                                           • Assuring the safety of personnel and protection of the environment. |
| Environment/Health/Safety (EHS)   | • Responding to notification of equipment gifts in the eSRA system.  
                                           • Evaluating/Determining safety and appropriateness of equipment gifts for acceptance by the Lab |
| Property Management               | • Responding to notification of equipment gifts in the eSRA system.  
                                           • Placing a “Property of Others” tag on the equipment. |

### F. Definitions/Acronyms

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>CRADA</td>
<td>Cooperative Research and Development Agreement</td>
</tr>
<tr>
<td>eSRA</td>
<td>Electronic system to support efficient preparation and administration of Berkeley Lab proposal and gift processing.</td>
</tr>
<tr>
<td>Equipment Gift</td>
<td>Any donation that is not monetary and which excludes naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.</td>
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<tr>
<td>Monetary Gift</td>
<td>Any sum of money issued to the Berkeley Lab Gift Account via check or wire transfer (per Berkeley Lab Donor Instructions) in which no goods or services can be or will be expected or requested in return for the donation.</td>
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<tr>
<td>SPP</td>
<td>Strategic Partnership Project</td>
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### G. Recordkeeping Requirements

The Gift Coordinator ensures all gift documents are in the eSRA database.
H. Implementing Documents

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Title</th>
<th>Type</th>
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<tbody>
<tr>
<td></td>
<td>Berkeley Lab Gift Acceptance form (UDEV-100)</td>
<td>Form</td>
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<td></td>
<td>700-U (Statement of Economic Interests for Principal Investigators)</td>
<td>Form</td>
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<tr>
<td></td>
<td>DA2588 (Delegation of Authority)</td>
<td>Letter</td>
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<td></td>
<td>Gifts vs. Sponsored Projects</td>
<td>Chart</td>
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<tr>
<td></td>
<td>Berkeley Lab Donor Instructions</td>
<td>Guide</td>
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<tr>
<td></td>
<td>Monetary Gift Procedural Requirements</td>
<td>Instructions</td>
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<td>Equipment Gift Procedural Requirements</td>
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I. Contact Information

Gift Coordinator

gifts@lbl.gov

J. Revision History

<table>
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<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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<tr>
<td>1/2/2012</td>
<td>1</td>
<td>M. Mock</td>
<td>Reformat for wiki</td>
<td>All</td>
<td>Minor</td>
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<tr>
<td>8/13/2013</td>
<td>1.1</td>
<td>L. Young, R. Inada</td>
<td>Specify requirements for gifts that are equipment</td>
<td>Procedural Reqs – 1,2,10</td>
<td>Minor</td>
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<tr>
<td>5/30/2017</td>
<td>2</td>
<td>J. Haemmerle</td>
<td>Clarification of gift types and additional process implementation documents</td>
<td>All</td>
<td>Major</td>
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<tr>
<td>11/10/2017</td>
<td>2.1</td>
<td>H. Clark</td>
<td>Clarification of gift types and process</td>
<td>D,E</td>
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<tr>
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<tr>
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<td>Next review date:</td>
<td>11/10/2020</td>
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<td>Policy Area:</td>
<td>Acceptance of Gifts</td>
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<tr>
<td>RPM Section (home):</td>
<td>Conduct of Research and Development</td>
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<td>RPM Section (cross-reference):</td>
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<td>Functional Division</td>
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Source Requirements Documents

- Contract 31 Clause H.27
- Contract 31 Clause P.10
- Political Reform Act of 1974