

## CWRU OSPA CONTRACT CHECKLIST

To accompany the review of each contract.

Contract title/number/sponsor: \_\_\_\_\_

Reviewer/Negotiator: \_\_\_\_\_ Date: \_\_\_\_\_

Director's Review: \_\_\_\_\_ Date: \_\_\_\_\_

### ANCILLARY documents and requirements:

- University Review Form (URF)**
  - Double check *sponsor and type* of contract.
  - Human and/or animal subjects approval/applied dates** (if applicable)
  - Budget** (does it generally agree with the actual contract budget?)
    - Check **Fringe Rate**
    - Indirect Cost Rate** – Check consistency between URF and the contract
  - Conflict of Interest Form** for current year
  - Cost sharing** (if applicable)
  - All required signatures**
- Budget**
- Statement of Work**
- Approval (if no URF is required)**
- File**
  - IRB Approval Letter** (if applicable)
  - Cover letter, or** at least name of other institution's **contact person**
  - All original copies** of the contract in the file (per the cover letter)?
  - Copy of **prime award** (if applicable)
  - All documents incorporated by reference** are provided
  - All appendices, exhibits, attachments, etc.** referenced as attached in the contract, *are attached*.
- Lobbying certification** (if applicable)
  - Email the PI.**

### MANDATORY contract components:

- Preamble:**
  - CWRU is referenced correctly, as "Case Western Reserve University",
  - Correct location reference, e.g., "Cleveland, Ohio", or "...with offices in the city of Cleveland"
  - Correct business type, e.g., "...an Ohio non-profit corporation".
- CFDA Number** is included if applicable
- Statement of Work**
- Period of Performance** fits with the previous contract, and university review form.
- Terms of Payment**, including budget, compare with the university review form.

- CWRU Project Director** named, compare with the university review form.
- Termination clause:** must be reciprocal, allowable for any cause, require written notice in advance, e.g., 30 days, and include payment for non-cancelable obligations through the date of early termination.
- Publication clause**
- Applicable or Governing Law** must be limited to Ohio or be silent.
- Point of Contact:**
  - Administrative**, ORA, if choice is limited to one
  - Technical**, if req: *PI info*
  - Fiscal**, if req: Controller's Office
- Signatures:**
  - PI should NOT have signed.
  - If PI signature required on the signature page, appropriate phrase added
  - Proper signatory name in CWRU signature block

**NON-MANDATORY contract components, *except for clinical trials and for sponsored research agreements with industry providing federal flow-through funding as noted:***

- Indemnification: *Mandatory for clinical trials and for sponsored research agreements with industry providing federal flow-through funding.***  
Silent, or reciprocal and limited to *negligent* acts, and if possible have the other institution indemnifies CWRU for the *use* of CWRU data.
- Liability (*mandatory for clinical trials*)**
- Patent rights**, if applicable
- Rights to data / Copyright**, if applicable
- Confidentiality**
- Disclaimer of warranties**, if applicable
- Reporting requirements:**
  - General** reporting requirements:
    - Quarterly or longer is preferred
    - Ability to rebudget is preferred
  - Small business subcontracting** reporting
    - Federal Plan required
    - Other
    - Stamp given to PI
- Acceptable regs:** List below is not all-inclusive.
  - Human subjects 45 CFR 46
  - Vertebrate animals, P.L. 99-158
  - Recombinant DNA, 59 FR 34496, July 5, 1994
  - Conflict of Interest, 42 CFR 50, Subpart F
  - Scientific Misconduct, 42 CFR A, Subpart A
  - Debarment and Suspension, 53 FR 191161-19211
  - Certification of non-delinquency on federal debt per OMB Circular A-129
  - Certification of Drug-Free Workplace per the Drug-Free Workplace Act of 1988, 45 CFR 76, Subpart F
  - Compliance with OMB A-133

- Compliance with OMB A-110 and P.L.104-105
  - Single Audit Act Amendments of 1996
  - Anti-Kickback Act of 1986, FAR 52.203-7
  - Clean Air and Water Act, 42 USC 7401, et seq
  - Federal Water Pollution Control Act, 33 USC 1251, et seq
- Representations and certifications**, if applicable

**After conclusion of negotiations:**

- Edit the contract per the negotiations, **PROOFREAD!**
- Check revisions after receipt of executed contracts. **PROOFREAD!**
- PI Acknowledgement included with each original
- Signature by official CWRU signatory.

**To the File:**

- Copy partially executed document and cover letter for file prior to sending.
- A133 certification requested, if applicable
- FedEx.
- Place partially executed contract file in holding drawer
- Make sure we have one **fully executed original** for our file.