

REQUIRED DOCUMENTS:

- FACILITY USE AGREEMENT TEMPLATE (FUA)
- BUDGET
- BUDGET JUSTIFICATION
- STATEMENT OF WORK
- DATA SECURITY RIDER (IF APPLICABLE)
- EXTERNAL LAB USE AGREEMENT – STUDENT SURVEY
- EXTERNAL LAB AGREEMENT – COVER SHEET
- CERTIFICATE OF LIABILITY INSURANCE / PROOF OF INSURANCE
- EXHIBIT D FORM – RELEASE FROM RESPONSIBILITY, ASSUMPTION OF RISK, AND WAIVER FOR VOLUNTEERS AND VISITORS

DEFINED PURPOSE:

The purpose of the FUA is to allow an outside company/entity and *its designated employees* the opportunity to utilize UC laboratory facilities and necessary equipment for the User (i.e. FUA entity) to conduct its research.

PROCEDURE:

1. All Facility Use Agreements (FUA) will be processed through Sponsored Research Services (SRS) Contracts Division and signed by the Office of General Counsel.
2. FUAs apply a fixed fee for equipment use (\$600 per year/per user which translates to \$50 per month) in addition to the PI's and other personnel time and effort. FUAs are invoiced in total upon signature of the Agreement or by payment terms in the Agreement. There are no Overhead Waivers and full F&A must be charged. The equipment usage fees should be delivered to a plant fund assigned by the college. Once it is transferred, the Dean can spend from the plant fund at his/her discretion. F&A would be distributed normally.
3. FUAs will be executed for the use of the facility only. Separate Research Agreements must be used and processed as research projects are initiated.
4. Faculty member provides the Company's name, Company's full address, and appropriate point of contact (including name, phone number and email) to the department business person along with the period of performance.
5. Departmental business person or the faculty member will use the External Lab UC FUA COVER SHEET as a guide to assemble all necessary documentation which includes obtaining CERTIFICATE OF LIABILITY INSURANCE from the Company. The COVER SHEET must be signed and uploaded into KUALI.
6. Departmental business person will then process a KUALI proposal and upload all necessary documents including CERTIFICATE OF LIABILITY INSURANCE into KUALI. The FUA must have a UC Principal Investigator (PI) and their role must be clearly detailed in the budget justification.

7. Budget is completed in KUALI/or the budget spreadsheet is uploaded into KUALI. The budget for this project must follow the methodology developed by Office of Research (sample attached). PI effort can be cost shared with department/college approval.

Note: In the budget spreadsheet, a reasonable effort for the PI and or other UC employees will be reimbursed by the organization requesting use of the facility/equipment. Budget excludes use of equipment purchased under federal grants that are currently active. For a multi-year FUA, please use the additional tabs at the bottom of the budget spreadsheet and budget the equipment usage fee accordingly.

8. Budget justification covers all the items in the spreadsheet along with any rationale used for arriving at, or justifying costs listed and efforts allocated.

Note: Exhibit A, B, and C is completed by the Department. Exhibit D is signed by each person from the Company working at UC.

9. Statement of work should be a defined statement of the exact research activities to be conducted via the FUA. Also, if the Statement of Work is subject to Export Control regulations, a clearly defined research plan and the materials required to execute such a plan will be required for the Export Control review process if the FUA entity does not reside in the United States.

10. Department will need to add UC Treasurer's Office as an approver to the KUALI proposal during the routing/approval process. Departmental personnel will be submitting these proposals and will have full responsibility for the completeness of the proposal.

Note: After the KUALI proposal is fully approved, the Departmental business person will initiate a new case for the project in SRS Service Desk: <https://universityofcincinnati6.my.site.com/s/?t=1702401780205>

11. SRS Contracts Division will review the KUALI Proposal to ensure all appropriate documents have been provided. If documents are missing, SRS Contracting Division will contact the department business person to obtain the documents. A FUA cannot be processed without the completed and approved KUALI Proposal.
12. SRS Contracting researches the Company's legal name using the Company's website, Hoover's; whether the company is licensed to do business in Ohio and the state of Incorporation; and per Section 9.24 of the Ohio Revised Code, researches the Auditor of the State of Ohio's Findings for Recovery Database.
13. The FUA is then drafted by SRS Contracting Division.
14. The FUA is then electronically sent to the Company for review and execution. The PI, business department person, and Departmental Business Administrator are copied.
15. If the Company accepts the terms and conditions, the Company will sign the Agreement and return either a pdf signed copy by e-mail or two originals to SRS Contracting. UC accepts pdf signatures sent by e-mail from Company per SRS Contracting Policy. UC requests the Company to sign first to obtain the signed Liability Waiver (Exhibit D) from the Company. The

Office of General Counsel will not sign off on the Agreement without the signed Liability waiver (Exhibit D).

16. If the Company changes any of the terms of the Agreement, the FUA will be referred to the Director of Grants and Contracts, the Office of the General Counsel and/or the Intellectual Property Office for review and comments. If negotiations are required SRS Contracting will proceed with the negotiations. After the negotiations are complete, the final version of the FUA will be sent to the Company for execution and return to SRS Contracting.
17. After receiving the signed document(s) from the Company, SRS Contracting will send the FUA to the department business person to obtain the faculty member's signature. Faculty members are required to acknowledge receipt and agreement to the terms and conditions. The department will then return either the pdf or the two original FUAs to SRS Contracting.
18. SRS Contracting then processes the FUA document through SharePoint for approval from the Director of SRS Grants and Contracts, or provides the FUA to the Office of General Counsel for signature. Note: The Office of General Counsel will not sign the Agreement without the signed Liability Waiver (Exhibit D) from the company.
19. Office of General Counsel will sign the Agreement and a pdf or an original fully executed Agreement will be returned to the Company.
20. After executing the FUA documents, SRS Contracting will forward the fully executed FUA document to the PI and SRS Accounting Division.
21. Sponsored Research Services Accounting Division will invoice the Agreement once it has been executed and in accordance with the payment terms. If the invoice is prepared in advance, the invoice and the Agreement can be sent to the contact person in Exhibit C at the same time.
22. Company will pay invoices submitted to them by Sponsored Research Services Accounting Division.
23. A Data Rider will be included if the Company will be maintaining, processing, hosts or otherwise manages; or takes custody of, stores, or otherwise has access to and use of UC's Data, Personally Identifiable Health Information (PHI), Covered Unclassified Information (CUI) or Restricted Data or will be accessing data behind UC's firewall.
24. A student survey is required. This survey should be given to the primary users of the facility in question (students, staff, etc.), and be given by the PI at least twice annually. This survey will inform the PI if the external lab users are negatively impacting the primary purpose of the facility (e.g. hindering student progress toward their degrees). PI acknowledges that if any such negative impacts are uncovered, they must be immediately addressed.

Miscellaneous: Affiliate badges can be requested for the visitor at no charge through UCIT. Background checks are not necessary unless the visitor is working with minors under 18; or if the visitor is dealing with financial instruments (such as a credit card); or if the department requires employees in their area to have a background check. If CEAS requires the visitor to have a background check, the cost would then need to be included in the budget.