

## Guideline by the Rectorate on

### §§ 26, 27 and 28 Universities Act 2002 (UG) <sup>1</sup>

(online 25th April 2016)

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<sup>1</sup> All paragraph numbers indicated in the text refer to the UG

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## I. Preliminary remarks

With this guideline, the Rectorate lays down important clarifications relating to the legal provisions §§ 26, 27 and 28, which are relevant for Technische Universität Wien.

Authorisations and powers may be granted by the Rector, taking this guideline as a basis.

In addition, every member of the Rectorate in their respective area of responsibility is entitled to grant sub-powers (delegation) if necessary.

The prerequisite for granting powers is the existence of an active employment relationship. Employment as a freelancer is not sufficient.

In the area of the global budget, agents may only conclude legal transactions taking into account

- their budget agreement;
- their duties/job description, and
- the wording of the powers granted.

If specific budget items were defined, any shifting – even if it does not increase the budgeted total – shall require the permission of the responsible member of the Rectorate. Organisational units (OE)<sup>2</sup> that have an annual budget (global budget without staff costs) of more than €500,000.00 shall be obliged to submit a monthly report on the implementation of the budget and a liquidity plan to Cost Control in the Financial Department.

OE heads may only conclude legal transactions that exclusively concern their own organisational unit. Project leaders may only conclude legal transactions that exclusively concern their own project. If a legal transaction falls under the competence of several institutes of the same faculty, the dean shall be authorised as a signatory. If the legal transaction concerns institutes of various faculties, the responsible member of the Rectorate shall be authorised as a signatory.

It should be noted that despite countersignature of legal transactions by the Rectorate or the responsible member of the Rectorate, agents authorised pursuant to § 27 (OE director or project leader) or agents authorised pursuant to § 28 bear full responsibility for performing the scope of contract properly.

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<sup>2</sup> Organisational unit with teaching and research duties is abbreviated to "OE" (= Organisationseinheit) in the following.

Cost control to fulfil the scope of contract or the legal transaction (including evaluating the risk status) is the responsibility of the OE director or the agent in cooperation with Cost Control in the Financial Department.

In the event of abuse, powers may be revoked. Abuse occurs when e.g. the provisions of this guideline are not observed.

## **II. Legal transactions reserved for the Rectorate/the responsible member of the Rectorate**

The following legal transactions are reserved for the Rectorate or the responsible member of the Rectorate and may only be concluded by other parties if they have been granted the relevant powers by the Rectorate or the responsible member of the Rectorate:

- Joining associations<sup>3</sup>
- Concluding legal transactions that require approval by a governing body of the University by law (e.g. founding and investing in companies and foundations, establishing educational collaborations such as double degree programmes)<sup>3</sup>
- Concluding consultancy agreements (e.g. with tax consultants or lawyers)<sup>4</sup>
- Concluding employment contracts<sup>5</sup>
- Renting and letting rooms, buildings and plots<sup>6</sup>
- Accepting donations that are fixed assets; for other donations, the only requirement is that Accounting is notified.<sup>7</sup>
- Purchasing fixed assets using a subsidy<sup>7</sup>
- Registering or acquiring patents or utility models on behalf of TU Wien<sup>7</sup>
- Concluding contracts by means of which rights are transferred and granted for existing (service) inventions, patents or utility models (e.g. licence agreements, option or sales contracts)<sup>7</sup>
- Hire purchase transactions involving the payment of interest and/or resulting in an increase in prices (leases)<sup>8</sup>
- Insurance contracts<sup>9</sup>
- Purchasing, selling and leasing vehicles<sup>10</sup>

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<sup>3</sup> Competence of the Rectorate

<sup>4</sup> Competence pursuant to the Rules of Procedure of the Rectorate (up to €25,000.00)

<sup>5</sup> Competence of the Rector

<sup>6</sup> Competence of the Vice Rector for Infrastructure

<sup>7</sup> Competence of the Vice Rector for Research and Innovation

<sup>8</sup> Competence of the Rector or delegation to the director of the Financial Department

<sup>9</sup> Competence of the Rector

<sup>10</sup> Competence of the Vice Rector for Research and Innovation; processed by GUT

- Contracts pursuant to § 27 para. 1, insofar as these contracts concern organisational units that have no teaching and research duties (see item IV)<sup>11</sup>

### III. Definition of research funding/contract research

#### A. Research funding and grants

Research funding is defined as grants awarded by national and international public authorities as the holders of private rights to a legal entity distinct from them, from their funds for a service worthy of funding, which is either intended or has already been performed in the field of science and research, for scientific events and publications or for the promotion of young researchers. Research funding also includes the activity of state-owned research-promoting organisations which act as subsidy intermediaries in this respect.

Research funding occurs if the intended and recognisable *purpose* of the grant is to promote the recipient through funding. Research funding therefore always occurs if all the rights to the project results obtained by TU Wien remain the property of TU Wien.

Even if the above criterion is not fulfilled, research funding occurs if the following circumstances are present:

- a) scientific competitiveness, i.e. a competition for scientific ideas. Calls for proposals as defined under public procurement law do not fulfil this criterion, AND
- b) the project costs may only be claimed as part of detailed prescribed rates and may be verified by the funding source. Maximum amounts that are prescribed as part of calls for proposals under public procurement law do not fulfil this criterion.

These provisions shall apply to subcontracts under the condition that the scientific competitiveness must apply to the main project and that the funding source within the meaning of b) must be the funding source for the main project.

In cases where a clear distinction cannot be made between research funding and contract research, the Research and Transfer Support department shall decide for national grants and the EU Research Support department shall decide for international grants, in careful consideration of all the circumstances of the particular case.

#### B. Contract research

Contract research shall be research contracts and contracts for other scientific investigations of the Federal Government or of other domestic or foreign governmental organisations (*con-*

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<sup>11</sup> Competence of the Vice Rector for Research and Innovation

*tract research on behalf of the Federal Government*) in return for a specified or identifiable consideration as well as scientific work on behalf of third parties (*contract research on behalf of third parties*). Contract research within the meaning of this guideline always occurs if no research funding exists pursuant to lit A.

#### **IV. Statutory powers of heads of organisational units with teaching and research duties (pursuant to § 27 (1))**

§ 27 (1) entitles all heads of OEs with teaching and research duties, on behalf of the University and in connection with their duties,

- a. to acquire assets and rights by way of non-remunerative legal transactions (e.g. donations);
- b. to accept funding from other legal entities (e.g. funding from the Austrian Research Promotion Agency [FFG] and the Vienna Science and Technology Fund [WWTF]);
- c. to conclude contracts on the performance of scientific work and on investigations and findings on behalf of third parties, insofar as these serve the purpose of scientific research (e.g. contract research; participation in a funded research project);
- d. to perform state-authorized technical testing and assessment activities, provided that the university facility in question is recognised as a state-authorized testing institution, and
- e. to use assets and rights acquired by way of these legal transactions to fulfil OE purposes (purchase agreements for equipment, contracts for work with subcontractors).

Software licence agreements:

OE heads are also authorised to buy and sell software programmes, and to conclude the associated software licence agreements.

Loan agreements based on third-party funds:

OE heads shall be entitled to grant a loan from third-party funds if the loan serves to fulfil OE purposes. A written statement by the Rectorate shall always be obtained prior to this.

OE with teaching and research duties at TU Wien are:

- the faculties;
- the institutes assigned to these faculties;
- the Centre for Micro and Nano Structures (ZMNS);
- Information Technology Services (ZID);
- the Office for Gender Competence;

- the research centres, and
- the TU Wien Doctoral School

Pursuant to the list above, deans and OE heads are authorised to conclude certain legal transactions, as listed in detail in the Act, see above items a. to e. from the time of their appointment.

In this area, there is immunity from instructions in external relationships, and in internal relationships this guideline and any further guidelines such as the Financial Management Guideline must be observed, otherwise these statutory powers may be revoked by the Rectorate.

**Special regulation for WWTF (Vienna Science and Technology Fund) projects:** Applications for WWTF projects may only be signed by the Vice Rector for Research and Innovation.

#### **V. Powers of project leaders (pursuant to § 27 (2))**

Pursuant to § 27 (2), in the fulfilment of contracts on the performance of scientific work and on investigations and findings on behalf of third parties (see § 27 (1) subpara. 3), every staff member acting as an agent (project leader) must be authorised to conclude the legal transactions required for such fulfilment and to use funds to the extent available.

When a project leader is appointed, he/she shall become authorised to conduct legal transactions required to fulfil the object of a contract.

This authorisation is granted by the OE head and is entered into the project database (see item XIV).

It should be noted that the powers of project leaders do not refer to the conclusion of project agreements (= contract on the performance of scientific work and on investigations and findings on behalf of third parties), but rather to the legal transactions required to perform a project agreement. Pursuant to § 27 (1), the conclusion of project agreements is reserved for heads of OEs with teaching and research duties.

The granting of powers to a project leader does not restrict the powers of the OE head, the project leader being bound by the instructions of the latter.

Project leaders may only be appointed by OE heads, but not by other project leaders.

#### **Examination and approval of R&D agreements (pursuant to § 27 (1) subpara. 3)**

Under the provisions of the UG, the University shall be the contract partner of a funding body, corporate partner, etc. and not the respective organisational unit. Even if the head of an organisational unit is entitled to sign, TU Wien shall be the contract partner. This means that TU Wien as a whole shall be liable in external relationships (towards the contract partner of TU Wien) for the fulfilment of any agreement concluded. For this reason, R&D agreements must be examined and approved centrally pursuant to the following provisions.

**1. Obligation to submit research contracts, approval procedure**

**a) Obligation to submit EU and international research funding contracts (see item IV A 5)**

The OEs involved shall submit all EU and international research funding contracts and associated contracts in a timely manner to EU Research Support (EURS) for examination prior to signing.

(Contact: [http://www.tuwien.ac.at/dle/eufs/eufs\\_e0155/kontaktpersonen/](http://www.tuwien.ac.at/dle/eufs/eufs_e0155/kontaktpersonen/))

Submission is considered “timely” if EU Research Support is involved right from the beginning in the negotiation process. Negotiated contracts shall be submitted to EU Research Support by no later than two weeks before the contracts are concluded. The contractual documents to be submitted include letters of intent, grant agreement preparation forms, grant agreements, consortium agreements and subcontracts. A budget breakdown shall be enclosed in the project agreements.

**b) Obligation to submit national and other non-EU research contracts**

All contracts concerning national and other non-EU research projects (see definitions under III.A.5) shall be submitted in a timely manner prior to the signing of the contract to Research and Transfer Support of TU Wien (contact: <http://www.tuwien.ac.at/dle/transfer/team/>) and shall be examined by this office if a contract deviating from the sample contract of TU Wien<sup>12</sup> is used for such a project and if the total contract volume exceeds €5,000.00.

**c) Approval by EU Research Support or Research and Transfer Support**

Although contracts must only be submitted to EU Research Support or Research and Transfer Support for examination under the requirements set out in a) and b), all contracts concluded for § 27 projects exceeding €5,000.00 shall require approval by the corresponding office in the project database.

<sup>12</sup> See: <https://www.tuwien.ac.at/index.php?id=15274>



#### **d) Approval by the Vice Rector for Research and Innovation**

In the following cases, OE heads may only conclude any contracts once the contract has been approved by the Vice Rector for Research and Innovation:

- if the share in the project of TU Wien (taking into account all OEs involved) exceeds the amount of €350,000.00 or if the overall amount of all subsidies managed by TU Wien on a trust basis (including the share in the project of TU Wien) exceeds the amount of €350,000.00, or
- if the scheduled contract term exceeds three years.

This shall also apply if the respective limit (€350,000.00/three years) is not exceeded by the original, but by a later legal transaction (extension of or addition to the contract).

EU Research Support (for all EU and international research funding contracts and associated contracts) or Research and Transfer Support (for all other research contracts) shall be responsible for the submission of contracts to be approved to the Vice Rector for Research and Innovation. For purposes of clarification, it is noted that in all cases where approval from the Vice Rector for Research and Innovation is required, the contract or extension of the contract also needs to be examined by EU Research Support or Research and Transfer Support.

#### **e) Effect of examination and approval**

The examinations and approvals of a contract set out in a) to d) shall not release OE heads or project leaders from their responsibility for the proper processing of the project and the approved contracts.

Once project leaders and OE heads have approved a project in the project database, an internal project contract is created in SAP. This internal contract shall be blocked for revenue posting (creation of invoices) until the signed original contract or original contracts have been submitted to the University Office (see XVI) and until they have been approved as required pursuant to c) by EU Research Support or Research and Transfer Support.

## **2. Entering the project into the project database**

All funded research projects, scholarships and education and university management projects, regardless of their volume, shall be entered into the project database<sup>13</sup> when the application is submitted to the funding source. Following the decision on the funding, details shall be supplemented in the event of a positive decision, while the project shall be closed in the event of a negative decision.

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<sup>13</sup> Link to the research project database: <https://tiss.tuwien.ac.at/projects/searchProjekte.xhtml>

Contract research projects shall be logged in the project database by no later than after an agreement concerning the project has been reached with the customer.

### **3. Principle of dual control with regard to EU research contracts**

To comply with the principle of dual control and for the purpose of internal documentation, the following approach shall be adhered to: The project leader and the OE head (the general provisions set out in Article I shall apply) shall sign "form C" Financial Statement. This document shall then be scanned and uploaded to the TISS project database. If the project leader is also the OE head, the dean shall also be entitled to sign alongside him/her.

In external relationships, that is, towards the EU, the project leader shall merely sign "form C" themselves and submit it to the body in the way specified by the EU Commission in the contract.

## **VI. § 26 ad personam contract research projects (projects pursuant to § 26 (1) with the exception of ad personam research projects in the context of research funding)**

Pursuant to § 26 (4), the Rectorate shall be notified of all ad personam research projects by the project leaders prior to the intended acceptance and implementation and the Rectorate shall reject these research projects in the event of violation of the requirements set out in § 26 (2) and § 26 (4).

### **A. Notification, examination and rejection of research contracts**

The Rectorate shall authorise the deans of those faculties to which the contractors of ad personam research contracts belong to receive notifications pursuant to § 26 (4), to carry out examinations pursuant to § 26 (2) and to make decisions concerning rejections pursuant to § 26 (4).

In the event of non-rejection, the deans concerned undertake to ensure that a corresponding agreement concerning the full reimbursement of expenses pursuant to § 26 (3, 4) is available and is complied with for each individual project. The reimbursement amount must correspond to the guideline on reimbursement of expenses and the basis for the project calculation; see also:

[https://www.tuwien.ac.at/fileadmin/t/ukanzlei/Kostenersatz\\_Forschungsprojekt26\\_und\\_27.pdf](https://www.tuwien.ac.at/fileadmin/t/ukanzlei/Kostenersatz_Forschungsprojekt26_und_27.pdf)

### **B. Contractors**

The contractors of ad personam research contracts shall be obliged to make a written declaration that they fully indemnify and hold TU Wien harmless from and against any and all claims – asserted by any party – which result from or are connected to the project. In partic-

ular, the members of the University shall be liable for expenses which TU Wien has to incur for staff members who are in an employment relationship with the University pursuant to § 26 para. 6 and which are not covered by the reimbursement of expenses. The same shall apply accordingly to the use of equipment of TU Wien for the implementation of the project. Furthermore, the members of the University shall particularly be liable for any damage suffered by TU Wien due to the project, such as for damage caused by staff members pursuant to § 26 para. 6 when performing their duties arising from the project.

The declaration of liability shall be confirmed by the project leader when the project is approved in the project database.

If the dean acts as a contractor, this delegation shall not apply and notice of the intended acceptance and implementation of the project shall be given to the Vice Rector for Research and Innovation, who is also responsible for the decision-making rules pursuant to § 26 (4).

In any case, an agreement shall be reached with the dean or the Vice Rector for Research and Innovation before an offer is submitted, as the submission of an offer may cause it to become binding!

### **C. Financial transactions**

Financial transactions shall be effected within the limits of the project budget exclusively via a central, current trust account pursuant to § 26 opened and managed by TU Wien.

### **D. Entry into the project database**

All non-rejected and accepted research contracts shall be recorded in the project database by no later than upon their acceptance. Additions and extensions must also be entered into the project database.

## **VII. § 26 Austrian Science Fund (FWF) projects and other funded ad personam projects (projects pursuant to § 26 (1) with the exception of ad personam research contracts)**

Pursuant to § 26 (4), the Rectorate shall be notified of all ad personam research projects by the project leaders prior to the intended acceptance and implementation and the Rectorate shall reject these research projects in the event of violation of the requirements set out in § 26 (2) and § 26 (4).

### **A. Notification, examination and rejection of funded research projects**

The Rectorate shall authorise

- the heads of organisational units with teaching and research duties – in the event that solely the OE managed by them is affected by the project (that is, the project leader is an employee of the OE, the staff to be hired and infrastructure to be purchased is exclusively allocated to the OE), or
- the responsible dean – if several OEs of a faculty are affected as specified above or if the OE head is the project leader of the funded project

to receive notifications pursuant to § 26 (4), to carry out examinations pursuant to § 26 (2) and to make decisions concerning the rejection pursuant to § 26 (4).

If OEs of several faculties are affected and if the dean acts as a project leader, this delegation shall not apply and notice of the intended acceptance and implementation of the project shall be given to the Vice Rector for Research and Innovation, who is also responsible for the decision-making rules pursuant to § 26 (4).

#### **B. Entry into the project database**

The basic data for all projects shall be entered into the project database<sup>14</sup> upon submission of the corresponding application to the funding body. Following the decision on the funding, the details shall be supplemented in the event of a positive decision and the relevant contract shall be uploaded to the project database. Additions and extensions must also be entered into the project database. The project shall be closed in the event of a negative decision.

#### **C. Financial transactions**

Financial transactions shall be effected within the limits of the project budget exclusively via a central, current trust account pursuant to § 26 opened and managed by TU Wien.

### **VIII. Education and university management projects pursuant to § 28**

#### General information:

- 1.) Pursuant to the Rules of Procedure of the Rectorate, the Vice Rector for Academic Affairs shall be responsible for the conclusion of contracts.
- 2.) A distinction shall be made between a main contract (TU Wien acting as a coordinator/contractor) and a consortium agreement (TU Wien acting as a partner).

<sup>14</sup> Link to the research project database: <https://tiss.tuwien.ac.at/projects/searchProjekte.xhtml>

- 3.) The project funds that are allocated to TU Wien shall be processed via the global budget (§ 28). If TU Wien acts as a coordinator/contractor, the project funds for partners are managed via trust accounts to be opened by the project leader.
- 4.) Structure and organisation of the projects:
  - Project coordinator/project contractor with powers pursuant to § 28 manages the project funds for a project consortium
  - Term of one year, several years or less than one year
  - Instalments by the funding body (e.g. EU); a residual instalment shall be paid after the project has ended
  - Project reports and settlements of accounts
- 5.) Aspects of study law in the area of sovereignty pursuant to the UG may be affected, in particular
  - Development of curricula or teaching modules
  - Recognition of examinations pursuant to § 78 para. 1 and 5
  - Modifications in the admissions procedure (§ 61 para. 5, § 63 para. 5 and 6)
  - Establishment of joint degree programmes pursuant to § 54 para. 10 (competence of the Senate if a new degree programme is being established by means of assigning an individual degree programme code)
  - Conferral of university degrees on the basis of a joint degree programme pursuant to § 87 para. 5

It is noted that, where possible, the requirements under study law for the implementation of the collaborations should be met via individual studies pursuant to § 55 and not via changes in the curriculum. In this case, the Vice Rector for Academic Affairs shall be responsible, as shall the academically responsible study committee (in an advisory capacity) (§ 1 para. 1 subpara. 1 TU Wien Statute, provisions of the Chapter "Study Law").

#### Procedure and approach:

##### 1. Application

The basic details of a project (content, partners, budget) must be submitted to the International Office for examination and entered into the project database by the applicant (project leader). The input form for education and university management projects shall be used.

Project applications (TU Wien acting as a coordinator/contractor), as well as mandates or letters of intent (TU Wien acting as a partner) must be signed by the Vice Rector for Academ-

ic Affairs. For this purpose, endorsement in a free format by the OE director and the dean must be submitted to the Vice Rector for Academic Affairs.

If a new degree programme is to be established, the dean of studies must inform the study committee of this intention.

## 2. Approval and signing of the contract

1.) If required, a statement on study law matters shall be obtained from the Department for Studies. If a new curriculum must be created (joint degree programme), a statement shall also be obtained from the Senate if the establishment of a new degree programme (with its own code) or the awarding of degree certificates is provided for in the project application.

The Senate shall be responsible for deciding on a new curriculum (joint degree programme).

2.) The Rector shall authorise a project coordinator pursuant to § 28 who completes the entry in the project database or arranges for it to be made.

3.) The project is approved by the OE head in the project database.

4.) Cost Control in the Financial Department awards an internal contract (global budget). Expenses can already be entered, but not invoices.

5.) The International Office reviews the contract and forwards it to the Vice Rector for Academic Affairs for signature.

6.) The project leader forwards the original of the contract to the University Office.

7.) The University Office uploads the contract to the project database.

8.) The International Office approves the contract in the project database. Income can also thereby be entered.

### Current list of programmes:

e.g.: Erasmus+ programmes (EU), Jean Monnet (EU), OeAD programmes (e.g. S&T Cooperation, Appear), CEEPUS, among others

## IX. Expiry of authorisations and powers

Insofar as authorisations and powers are bound to duties, they expire automatically on expiry of those duties. Authorisations and powers always expire on termination of the active employment relationship with TU Wien.

## **X. Other duties**

When preparing contracts and performing the object of a contract, the due diligence obligations with regard to legality, expediency, efficiency, sound financial management and transparency must be observed. Furthermore, it is necessary to ensure that the OE has available sufficient financial means to cover the expenses of performing the object of a contract and any subsequent obligations (e.g. reimbursement pursuant to § 27 (3); refunding salary costs and equivalent values, particularly for unused holiday entitlements; payment of inventors' compensation, provided this is not covered by the customer).

Agents must involve the departments concerned (e.g. Building, Construction and Technology [GUT], Cost Control in the Financial Department) in investments that require accompanying measures.

OE heads must ensure that an orderly handover to other eligible or authorised agents is secured in the event that an agent leaves or the authorisation is withdrawn while the object of a contract or a legal transaction is being processed.

## **XI. Provisions regarding the procurement of services (contract award procedure)**

For the procurement of services (contract award procedure), the provisions of the Austrian Federal Contracts Act (BVerGG) 2006 must be observed.<sup>15</sup> The following restrictions apply:

### **A. OE heads (eligible agents pursuant to § 27 (1)) and agents authorised pursuant to § 28 with "major powers"**

"Major powers" are restricted to €100,000.00 incl. VAT. To avoid exceeding this limit for major authorisations, it should be noted during the contract award procedure that TU Wien cannot simply refrain from awarding a contract because the best or cheapest offer is higher than the contractual value estimated before the contract award procedure was initiated. A cancellation of the contract award procedure (i.e. no contract is awarded) is only possible if the offer to be awarded is more than 15% above the originally estimated contractual value. 15% must therefore be added to the estimated contractual value. In addition, VAT of 20% must be taken into account. It therefore follows that the authorisation of €100,000.00 is only sufficient up to an estimated contractual value of €72,000.00 net. Above an estimated con-

<sup>15</sup>See <https://www.tuwien.ac.at/index.php?id=15336>

tractual value of €72,000.00 approval from the Rectorate or a responsible member of the Rectorate must be obtained before a contract award procedure is initiated.<sup>16</sup>

### **B. Project leaders (agents authorised pursuant to § 27 (2))**

The powers of project leaders to make procurements are restricted to €20,000.00 incl. VAT. In accordance with the considerations quoted above, agents pursuant to § 27 (2) must therefore obtain the approval of OE heads for an estimated contractual value of €15,000.00 net or above.<sup>17</sup>

### **C. Agents authorised pursuant to § 28 with “minor powers”**

Powers are limited to €10,000.00 incl. VAT. In accordance with the considerations quoted above, agents with “minor powers” must therefore obtain the approval of OE heads for an estimated contractual value of €7,200.00 net or above.<sup>18</sup>

## **XII. Provisions regarding university certificate programmes for further education**

The organisation and implementation of certificate university programmes for further education pursuant to § 56 shall be reserved for the Continuing Education Center (CEC) of TU Wien and shall not be part of the area of activity of all other OEs and service facilities.

## **XIII. Provisions regarding Building, Construction and Technology (GUT)**

An exception to the restriction of authorisations and powers as to the amount shall apply to rent, operating costs, electricity, gas, district heating, cleaning and guarding (result from existing continuing obligations) which exclusively cover the area of activity of the **Building, Construction and Technology organisational unit (GUT)**, relate to the operation of the building and are within the budget limits to be released by the Rectorate in the course of the annual budget allocation. The restriction as to the amount shall be cancelled for these legal transactions. Any calls for proposals/awarding procedures or contractual amendments made in this context shall require the consent and approval of the Rectorate or the responsible member of the Rectorate pursuant to the Rules of Procedure.

Projects and expenditure amounting to a total volume of more than €25,000.00 including planning, taxes and necessary accompanying measures shall be agreed upon in the context

<sup>16</sup> If the final contractual value does not exceed €83,000.00 net, the appointment (“letter of contract”) may be carried out (signed) by the OE head.

<sup>17</sup> If the final contractual value does not exceed €16,600.00, the appointment (“letter of contract”) may generally be carried out (signed) by the project leader.

<sup>18</sup> If the final contractual value does not exceed €8,300.00, the appointment (“letter of contract”) may generally be carried out (signed) by the authorised person.



of the annual budget, must be recorded in a so-called “project list” and require individual written approval issued by the Rectorate or the responsible member of the Rectorate pursuant to the Rules of Procedure prior to the beginning of the project or the awarding of the contract.

#### **XIV. Forms and workflow**

The application for granting powers pursuant to § 28 must be signed by

- the applicant;
- the head of the OE concerned, and
- the dean,

and must be sent to the Rector via the University Office.

See also: [http://www.tuwien.ac.at/dle/universitaetskanzlei/vollmachten/antrag\\_28/](http://www.tuwien.ac.at/dle/universitaetskanzlei/vollmachten/antrag_28/)

The application for granting powers pursuant to § 27 (2) is issued in the project database through the confirmation of approval and authorisation by

- the project leader, and
- the head of the OE concerned.

Any information on powers granted is sent to the University Office through the project database.

#### **XV. Publishing of powers**

Authorisations and powers granted must be published in the University Gazette. This includes the powers granted to project leaders. Announcements are made by the University Office.

## **XVI. Archiving original contracts**

The OE concerned must send the originals of all contracts for research projects (without a value limit) or any other contracts over €5,000.00 to the University Office to be archived, after they have been signed by all the contracting parties. Contracts under €5,000.00 may also be submitted to the University Office to be archived.

Persons	OE head	Project leader	Rector	Vice Rector for Research and Innovation	Vice Rector for Academic Affairs	Vice Rector for Human Resources and Gender	Vice Rector for Infrastructure	Rectorate
<b>Legal transactions</b>								
Concluding project agreements with a term of up to 3 years and up to €350,000.00 project turnover	Yes	No	No	Yes	No	No	No	No
Concluding project agreements with a term of more than 3 years or over €350,000.00 project turnover	Yes, after approval by the responsible member of the Rectorate	No	No	Yes	No	No	No	No
Authorisation for procurements limited according to amount	€100,000.00	€20,000.00	No	No	No	No	No	No
Registering/acquiring patents or utility models	No	No	No	Yes	No	No	No	No
Concluding contracts for existing (service) inventions, patents or utility models	No	No	No	Yes	No	No	No	No
Joining associations	No	No	No	No	No	No	No	Yes
Founding/and investing in companies and foundations	No	No	No	No	No	No	No	Yes
Establishing educational collaborations	No	No	No	No	Yes	No	No	No
Concluding consultancy agreements (e.g. tax consultant, lawyer)	No	No	Yes, pursuant to the Rules of Procedure of the Rectorate	Yes, pursuant to the Rules of Procedure of the Rectorate	Yes, pursuant to the Rules of Procedure of the Rectorate	Yes, pursuant to the Rules of Procedure of the Rectorate	Yes, pursuant to the Rules of Procedure of the Rectorate	Yes
Renting and letting rooms, buildings and plots	No	No	No	No	No	No	Yes	No
Hire purchase transactions (leasing) resulting in an increase in prices or involving the payment of interest	Yes, after approval by the responsible member of the Rectorate	Yes, after approval by the responsible member of the Rectorate	Yes, or delegation to the director of the Financial Dept.	No	No	No	No	No
Insurance contracts	Yes, after approval by the responsible member of the Rectorate	Yes, after approval by the responsible member of the Rectorate	Yes	No	No	No	No	No

<b>Accepting donations that are fixed assets</b>	Yes, after approval by the responsible member of the Rectorate	Yes, after approval by the responsible member of the Rectorate	No	Yes	No	No	No	No
<b>Purchasing fixed assets using a subsidy</b>	Yes, after approval by the responsible member of the Rectorate	Yes, after approval by the responsible member of the Rectorate	No	Yes	No	No	No	No
<b>Purchasing, selling and leasing vehicles</b>	Yes, after approval by the responsible member of the Rectorate	Yes, after approval by the responsible member of the Rectorate	No	Yes	No	No	No	No

Decision of the Rectorate dated 9 February 2016

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