

# NASA 1800.918

## Allocation of Risk/Liability

The slide features a dark blue background for the top half. Below the title, there is a thick orange horizontal bar. Underneath this bar, the bottom half of the slide has a white background with a fine, repeating dotted pattern. On the right side of this dotted area, there are several thin, horizontal orange lines of varying lengths, creating a decorative graphic element.

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## Allocation of Risk/Liability

NASA has applied a new condition (“Allocation of Risk/Liability” (CFR 1800.918) to all new and amended grants and cooperative agreements that previously only affected foreign organizations.

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## Allocation of Risk/Liability

- a) With respect to activities undertaken under this agreement, the Recipient agrees not to make any claim against NASA or the U.S. Government with respect to the injury or death of its employees or its contractors and subcontractor employees, or to the loss of its property or that of its Contractors and subcontractors, whether such injury, death, damage or loss arises through negligence or otherwise, except in the case of willful misconduct.

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- (b) In addition, the Recipient agrees to indemnify and hold the U.S. Government and its Contractors and subcontractors harmless from any third party claim, judgment, or cost arising from the injury to or death of any person, or for damage to or loss of any property, arising as a result of its possession or use of any U.S. Government property.  
(end of clause)

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UCOP has determined Section (b) of the clause may involve indemnification for the actions of 3rd parties, and falls outside of Standing Order 100.4(dd).

UCOP has developed guidance on assessing the liabilities and risks under each project in order to ascertain the potential financial and legal risks involved to reduce or eliminate any such financial/legal risks.

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## Allocation of Risk/Liability

UCLA is developing a campus process congruent with UCOP guidance which will include:

- Coordination with Risk Management and other applicable offices
- A checklist to identify the level of risk for the specific project
- PI/Chair/Dean informed consent

# Questions?

