


Provision No. 25/2017	<b>Internal rule of the Institute of Technology and Business in Ceske Budejovice</b>				
<b>CURRENT WORDING CONTRACTUAL RESEARCH</b>					
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<b>Superior regulations</b>	Regulation No.11/2015 Organizational rules ITB (Article 7)				
<b>Related regulations</b>	Regulation No. 13/2016 The rules for creation of partial budgets				
<b>Subordinate regulations</b>	-				
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## **Article 1**

### **Basic provisions**

- (1) Contractual research (hereinafter referred to as 'CR') is a research carried out on the basis of a contract entered into (see Attachment 1) by a client and a provider.
- (2) The client is, for the purpose of CR, an entity of Czech or foreign private or state sector.
- (3) The provider, for the purpose of CR, is the Institute of Technology and Business in Ceske Budejovice (hereinafter referred to as ,ITB') represented by rector.
- (4) The guarantee of CR is the director of faculty.
- (5) The CR process is graphically displayed in Attachment 3.

## **Article 2**

### **The processing of demand**

- (1) The director of faculty deals with the demand for contractual research with the director's representatives for scientific activities, research and development.
- (2) In the case of interest in CR solution, the representatives of the director of faculty for scientific activities, research and development appoint a researcher (hereinafter referred to as 'researcher') who will communicate on behalf of the research team with a client and a guarantee in the course of the whole CR procedure.
- (3) The director's representative for scientific activity, research and development will report the members of the research team and their percentage share of the research results to the director of faculty.
- (4) The director's representative for scientific activity, research and development, in cooperation with the research team, will make a price offer.
- (5) The director of faculty will discuss the proposed calculation with the client:
  - a) If the offer is accepted, the director will arrange a contract to be written.
  - b) If the offer is not accepted, the client's objections will be referred to the authorised researcher. If the researcher finds the objections relevant, he or she will make a new offer. If the researcher does not accept the objections, the director of faculty will arrange a termination of the negotiation about contractual research or refer the case to another faculty or section.

## **Article 3**

### **Entering into a contract for conducting CR**

- (1) On the basis of delivered materials, the director of faculty, in cooperation with the researcher, will write a contract for conducting CR in three copies.

- (2) The director of faculty will ensure a signature of provider's statutory representative and the rector's office will ensure the referral of the contact to the client for signature. The signed contract is distributed through the mediation of rector's office in one copy to:
  - a) client,
  - b) director of faculty,
  - c) rector's office.
  - d) the researcher of the project will receive one copy of contract.
- (3) If one party does not accept the contractual conditions, the contract will be re-made by the director of faculty, eventually, the contract will not be concluded and the negotiation on CR will be terminated.

#### **Article 4**

##### **The solution and handover of CR outcomes**

- (1) The researcher manages his or her research team in such a way that the required outcomes are achieved within the time limit and in quality required by the contract for CR.
- (2) The director monitors the course of contractual performance on the basis of the outcomes submitted by the researcher.
- (3) The researcher hands over the required outcomes to the client prior the expiry of the contract, who will examine them.
- (4) The client will assess the handed over outcomes with regard to the requirements defined in the contract:
  - a) The acceptance of outcomes will be confirmed by the client's signature of the protocol confirming the handover (see Attachment 2),
  - b) In the case of objections to the quality or quantity of outcomes, the client will describe them in the appropriate part of the protocol confirming the handover (the record of the way of dealing with defects and undone work) and the researcher will ensure a remedy within the time period determined by the contract.
  - c) The original of the protocol confirming the handover is deposited with the contract in the ITB rector's administration, the copy belongs to the director of faculty.

#### **Article 5**

##### **The remuneration of CR**

- (1) CR can involve several stages when partial outcomes are handed over to a business in the course of research. In such a case, a protocol confirming the handover is made. After its signature, the director of faculty will hand over the required materials for the processing of a partial invoice to the Economic section (hereinafter referred to as ,ES'). ES will make and send an invoice for payment.

- (2) After the completion of CR and the signature of protocol confirming the handout, the director of faculty will instruct the ES to make an invoice from which the sum of the partial invoice (invoices) has been deducted. ES will make the invoice and send it for payment.
- (3) The CR costs will be charged at the cost centre of institute. Prostředky za SMV jsou účtovány na NS ústavu.
- (4) The reimbursement for CR solution is for the members of research team in the form of performance points within the internal ETMS system.
- (5) After the completion of the stage according to the timetable, that is a part of the contract for CR, and on the basis of the client's approval of the protocol confirming the handout, the points for outcomes of the properly completed stage of CR solution are set into the ETMS by the director of faculty.
- (6) After completing the CR solution the director of faculty will ensure the transfer of overheads to the individual divisions via the module of Activities. The CR assets will be transferred to the revenues of a department, the rector's administration, the Bursar's department, however, to another commission within the section of additional activity.
- (7) The department, rector's administration, Bursar's department should assign costs to this commission that are related to this activity, i.e., for instance, to transfer employees from x% to the commission within the section of additional activity. In the case of wages, it is not possible to conduct reversing entries, it is necessary to pay the wages directly for the commission of additional activity.
- (8) It is possible to use these revenues within the section of additional activity to pay for other costs such as stationery, academic resources, etc. It is always necessary to assign this cost for additional activity.
- (9) Contractual research is graphically depicted in Attachment 3 .

**List of abbreviations:**

ES	economic section
ETMS	Excellent Top Manager System

**Attachments:**

- [Attachment 1 – Sample contract for CR](#)
- [Attachment 2 – Protocol confirming the handover](#)
- [Attachment 3 – CR Algorithm](#)