

Foreign Contract Reporting

Updated 9/2026



Do I need to report this Contract to ERM?

“Contract” means any agreement for the acquisition by purchase, lease, or barter of property or services by the Foreign Source, for the direct benefit or use of either of the parties.

Is it for more than \$5000 or a non-fixed price contract?

NO

YES

You do not need to report it to ERM.

Is the Contract with a Foreign Source?

A company or individual can use a U.S. address and still be a Foreign Source requiring reporting. You must research and/or ask to determine if the company or individual is a Foreign Source as defined below.

“Foreign Source” means:

- a) A foreign government, including an agency of a foreign government;
- b) A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states;
- c) An individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and
- d) An agency, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source.

If a business is a foreign subsidiary of a U.S.-based corporation or a parent company, it may still be considered a Foreign Source as defined above.

NO

YES

You do not need to report it to ERM.

Is the Contract for DU to purchase goods or services from the Foreign Source?

If DU is purchasing something other than goods or services, then the answer “no”.

If a Foreign Source is purchasing something from DU, then the answer is “no”.

NO

YES

You must report this contract to ERM.

Is the Contract an arms-length transaction?

This is a transaction between unaffiliated, unrelated, and independent parties, none of whom controls, is controlled by, or is under common control with any other party to the transaction, and are acting independently in their own self-interest. This requires considering the relationships and affiliations of individuals involved in negotiating the contract.

NO

YES

You must report this contract to ERM.

Is the Contract purchase price at fair market value (FMV)? If a discount was given, consider if it's a small or large discount.

NO

YES

You must report this contract to ERM.

You do not need to report it to ERM.

*This document can be updated at any time. Please always use the current version that is posted on [Compliance @ DU's website](#).

To report contracts, go to <https://www.du.edu/compliance/foreign-gift-contract-reporting>.