

Course 6

NEGOTIATION AND ACCEPTANCE OF AWARDS

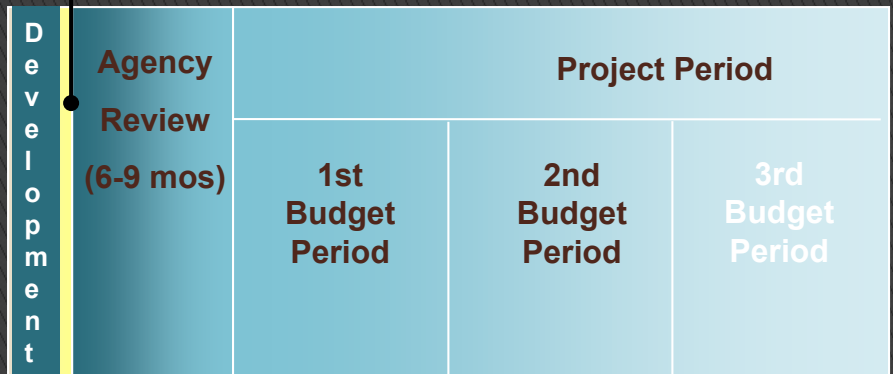
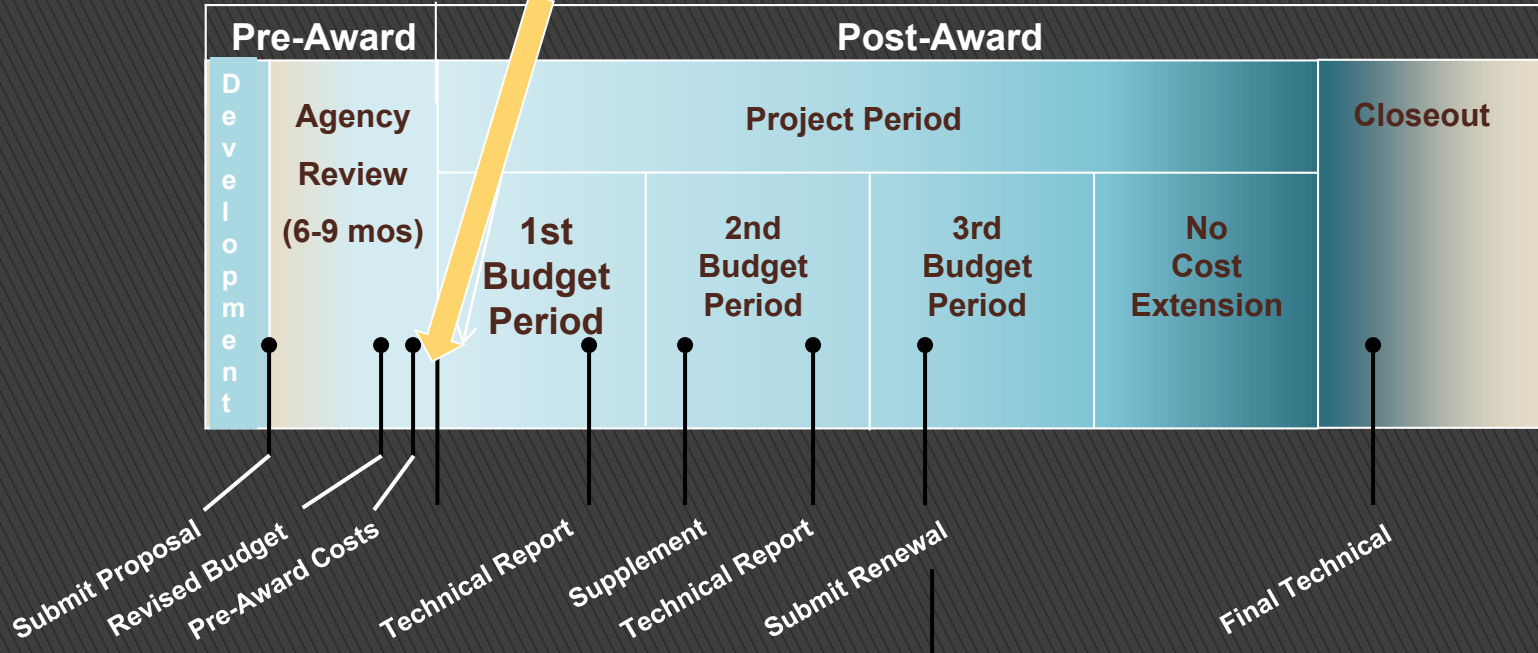
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Lifecycle of a Sponsored Project

Award Negotiation and Acceptance



Topics to be Discussed:

- ▶ The Players and their Roles
- ▶ Pre-Award Actions
- ▶ Types of Award Instruments
- ▶ SPO/TIA Processing of Awards
- ▶ Award Negotiations and Terms & Conditions
- ▶ Brief discussion of Post-Award Administrative Requirements

The Players & Their Roles within Award Negotiations

Programmatic Players

Administrative Players

University

Principal Investigator
Dept. Administrator

SPO/TIA Team:
Sponsored Projects Officer
Sponsored Projects Analyst
TIA Officer
TIA Analyst

Sponsor

Scientific/Program
Officer

Contracting Officer/
Grants Management
Specialist

The Principal Investigator

- ▶ Has an idea/plan for research
- ▶ Works with dept. admin staff & SPO to submit proposal to agency for funding of research idea/plan
- ▶ Responsible for scientific, administrative, and fiscal conduct of the project
- ▶ Does not have delegated authority to negotiate award terms and/or accept award on behalf of The Regents



Department Administrator @ Award & Post-Award Stage

Work closely with PI and SPO Team to:

- Coordinate with SPO Team to provide information/confirmations required to finalize award
- Help PI manage award during life of award
- Keep PI updated on his/her expenditures throughout the life of the award
- Coordinate with SPO Team for any prior approval requirements during life of award
- Help PI with timely close out of award

The Scientific/Program Officer

- Participates in review of proposal submitted for funding
- Recommends project for funding
(also involves required selection by Sponsor Committee)
- Allocates funds to the project so Contract Officer can process funding to the project
- Often serves as the Technical POC for monitoring the project's progress

Contract Officer/ Grants Management Specialist

- Negotiates terms of the award agreement
- Delegated to commit sponsor funds
- Ensures award conforms to sponsor regulations and any applicable laws
- Reviews & authorizes post-award changes that require prior approval
- Issues award amendments, if applicable

Your SPO Team!

Sponsored Projects Officer/ TIA Officer, and Analyst :
<https://www.research.ucsb.edu/sponsored-projects-teams>

- Ensures award terms comply with Univ. policy & sponsor's requirements
- Works closely with the dept. administrator, the PI, and sponsor Contracting Officer
- Checks for compliance issues within the project being funded
- Delegated to review, negotiate and execute awards on behalf of The Regents
- Reviews and endorses requests for pre & post award actions requiring prior approval

QUIZ

Who would be involved in the following scenario(s)?



I have a plan of research and need to submit a proposal for extramural funding of the project

- PI
- Dept. Admin
- SPO Officer
- Program Officer, depending on sponsor



I am *ultimately* responsible for the scientific, administrative, and fiscal conduct of the project.

- PI



I do have delegation to negotiate awards

- SPO Officer
- TIA Officer
- SPO Analyst, if FDP/RTC/UG
- Sponsor Contracting Officer

Types of Pre-Award Actions:

Denials and Withdrawals

Revised Budgets

Requests for Approval to Spend Funds (RAS)

Pre-Award Costs Authorization

Proposal Denials and Withdrawals



Withdrawal:

PI decides to remove proposal from consideration (must be done via SPO)



Denial:

Sponsor decides not to fund proposal
(SPO needs to know)

Revised Budgets

(different than a Request to Rebudget)

- ▶ Usually at the request of the sponsor
- ▶ May require a change in scope
- ▶ Must be reviewed, approved, and endorsed by Sponsored Projects!!!

Request for Approval to Spend Funds (RAS)

- ▶ Purpose: To allow expenditure to begin prior to receipt of award but within sponsor-awarded period (no change of begin date)
- ▶ Provides advance funding (cash) within period of award
- ▶ Establishes account/fund
- ▶ Approval comes from UCSB
- ▶ Request *must* be underwritten by Chair/Dean
- ▶ Requires specific form (available on OR website)

Pre-Award Costs Authorization

- ▶ Purpose: To allow expenditure prior to the sponsor-awarded period start date of project (*changes* begin date of project)
- ▶ Does *not* establish account/fund
- ▶ Must be specifically allowable under award terms
- ▶ E-mail or memo to SPO is sufficient for request

Types of Award Instruments:

<https://live-research-ucsb-edu-v01.pantheonsite.io/spo/award/research-related-agreements>

GRANT

COOPERATIVE AGREEMENT

CONTRACT

OTHER TRANSACTION AGREEMENT (OTA)

GIFT

GRANT

- ▶ Project details are defined by the PI
- ▶ A type of financial assistance award in which the sponsor anticipates no substantial programmatic involvement with the recipient during the performance of the activities.

COOPERATIVE AGREEMENT



- Project idea details are often developed jointly between the sponsor and the PI.
- Sponsor anticipates having substantial involvement in research activities

CONTRACT

- Project idea typically originates with the Sponsor
- A procurement award, the sponsor has more involvement and uses the project to achieve a specific outcome.
- May be fixed price or cost-reimbursement

Types of Contract:

Fixed price:

the price for project is set and invariable, regardless of the costs of production.

Cost-reimbursement:

the allowable and reasonable costs incurred by contractor during performance of work are invoiced/reimbursed according to the terms of the contract.

Other Transaction Agreement (OTA)

- This is a specific federal designation.
- It is not subject to the statutes or regulations whose applicability is limited to grants, cooperative agreements, and contracts.
- An uncommon type of award for the University.

GIFT

- A type of financial assistance in which the sponsor has no programmatic involvement with the recipient
- PI/Institution is given funds for general performance of the activities/type of research (unrestricted)
- No commitment of resources/services
- NO strings attached
- Possible: reporting – would ONLY be courteous

QUIZ

What funding instrument am I?



Results are not Guaranteed

- ALL – Note the University CANNOT guarantee research results



This type of funding is NOT processed through OR/SPO

- Gift Funding



Sponsor has substantial involvement

- Cooperative Agreement – when *project idea was jointly developed*
- Contract – some elements of scope of work may be determined in collaboration b/w Sponsor and PI



Sponsor issues terms of award to achieve a specific outcome and as fixed price or cost reimbursement

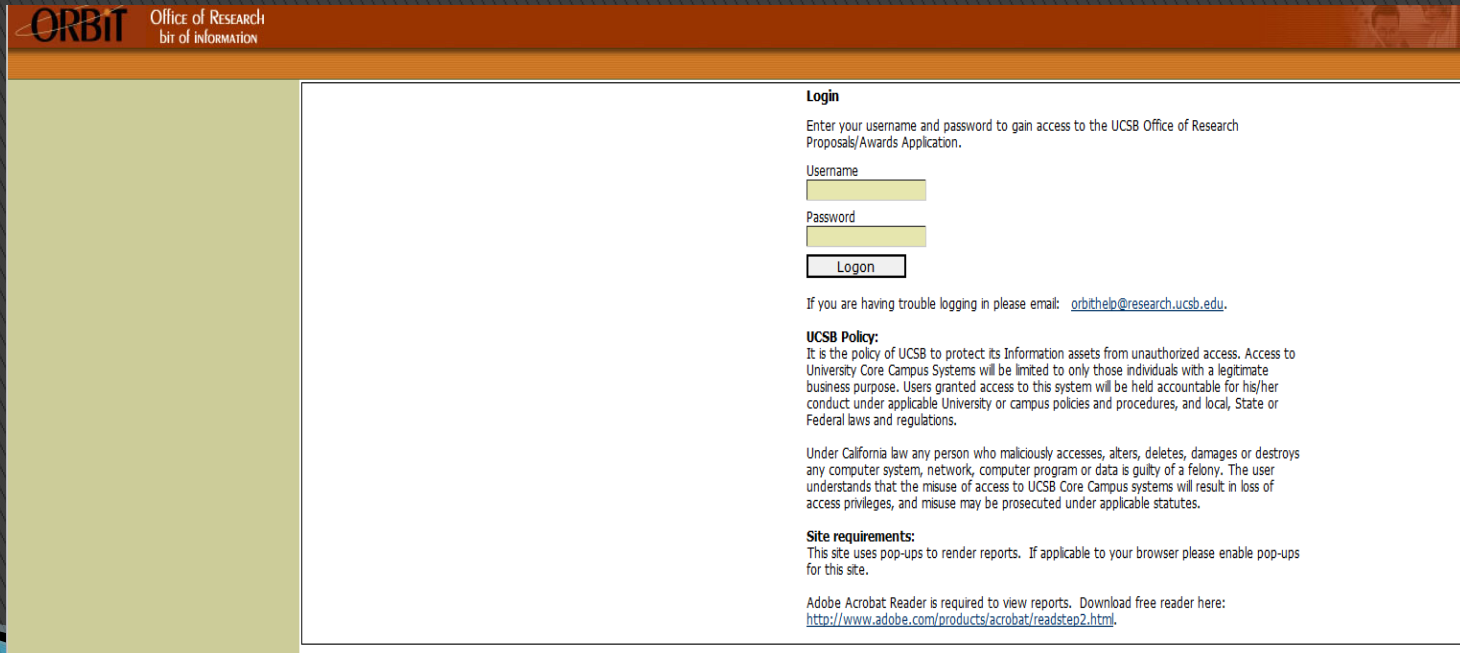
- Contract

ONCE THE AWARD IS OFFICIALLY ISSUED:

SPO/TIA Team

Processing of Awards

via ORBiT



ORBiT Office of Research
bit of INFORMATION

Login

Enter your username and password to gain access to the UCSB Office of Research Proposals/Awards Application.

Username

Password

If you are having trouble logging in please email: orbithelp@research.ucsb.edu.

UCSB Policy:
It is the policy of UCSB to protect its Information assets from unauthorized access. Access to University Core Campus Systems will be limited to only those individuals with a legitimate business purpose. Users granted access to this system will be held accountable for his/her conduct under applicable University or campus policies and procedures, and local, State or Federal laws and regulations.

Under California law any person who maliciously accesses, alters, deletes, damages or destroys any computer system, network, computer program or data is guilty of a felony. The user understands that the misuse of access to UCSB Core Campus systems will result in loss of access privileges, and misuse may be prosecuted under applicable statutes.

Site requirements:
This site uses pop-ups to render reports. If applicable to your browser please enable pop-ups for this site.

Adobe Acrobat Reader is required to view reports. Download free reader here:
<http://www.adobe.com/products/acrobat/readstep2.html>.

SPO/TIA Team - Award Processing

- *General Processing Timeframe = 2 weeks*
- Award received
(If by Dept. / PI then must forward to SPO Team)
- Award is matched up with existing proposal/award file
- Award routed to TIA
(if Industry/Industry Flow-through funding)
- Award is logged in to ORBiT

Roles in SPO Award Processing:

Analyst

- ▶ Ensures applicable compliance approvals in place
 - Conflict of interest
 - Human/animal subjects; stem cell use
 - Environmental Health & Safety
- ▶ Enters initial input in ORBiT
- ▶ Forwards file to officer for further review of terms and conditions
- ▶ Note: For direct UG/RTC awards the analyst serves as officer processing awarded funds

Officer

- ▶ Reviews terms and conditions
- ▶ Initiates negotiation with sponsor
- ▶ Coordinates acceptability of terms with department/PI (if needed)
- ▶ Delegated to sign/accept finalized award
- ▶ Issues award synopsis through ORBiT

SPO Award Processing

- Routes award to EMF for processing
 - Tip: Use ORBiT “Where Is It?” field for status on processing
- Award released to EMF for review, setup, and release to campus administering department
 - Tip: Use Accounting Queue for status on processing

See **HANDOUTS:**

Award Synopsis

ORBiT Award Condition Codes

Located under the 'Help' tab in ORBIT

Award Negotiations



When do we need to negotiate?

- ▶ At proposal submission:
 - Published Guidelines
 - Request for Proposal (RFP)/ Request for Quote (RFQ)
- ▶ Upon receipt of award
- ▶ Post-award

Terms that may require negotiation

- ▶ Intellectual Property Provisions
- ▶ Indemnification/Liability Clauses
- ▶ Publication/Dissemination of research results

Terms that may require negotiation

- ▶ Statement of Work/Deliverables
- ▶ Reporting Requirements (Technical and Financial)
- ▶ Period of Performance

Applicable Policies and Provisions

- ▶ Uniform Guidance (OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200)
- ▶ Research Terms and Conditions
- ▶ FAR/DFAR/DEAR

CONDITIONS:

<u>Code</u>	<u>Category</u>	<u>Description</u>
10	General Terms and Conditions	Research Terms and Conditions, and the appropriate Agency Specific Requirements (see: http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp).
19	General Terms and Conditions	See special award terms and/or agency guidelines.
20	General Terms and Conditions	Federal Funding, Accountability and Transparency Act of 2006 (FFATA) Special Subaward Reporting Applies
24	Equipment Issues	Title to equipment vests in: University.
62	Reporting Requirements	Annual Technical Report/Continuation Request due 90 days prior to anniversary date.
71	SPONSOR SPECIFIC TERMS & CONDITIONS	This award includes federal or federal flow-through funding. Any change in the PI(s) or Senior/Key Personnel specified on the notice of award, including a 25% or more reduction in time devoted to the project, requires prior approval from the sponsor in accordance with the award or sponsor's general terms and conditions. If different, note in remarks.
72	SPONSOR SPECIFIC TERMS & CONDITIONS	This award includes NSF or NSF flow-through funding and is subject to the NSF Notification Requirements Regarding Findings of Sexual Harassment, Other forms of Harassment, or Sexual Assault. UCSB's harassment policies must be disseminated to attendees at NSF-sponsored conferences prior to attendance and must be made available at the conference. A list of UCSB's harassment policies and resources for dissemination to attendees can be found here: https://www.research.ucsb.edu/nsf-sexual-harassment-policy .
91	Other Award Requirements	This award is subject to the University Policy on Disclosure of Financial Interests Related to Sponsored Projects. As a reminder, if an Investigator's financial interests change, in relation to this project, an updated disclosure must be submitted through O.R.'s Conflict of Interest disclosure system – ORCOI at https://ucsb.coi-smart.com .
94	Other Award Requirements	This award is subject to Responsible Conduct of Research (aka RCR) requirements.

ACTION SPECIFIC REMARKS:**AWARD REMARKS:**

This award is subject to the provisions of NSF 15-596, Long-Term Ecological Research (LTER) Renewal.

F.L. 26, "Administration of NSF Conference or Group Travel Award Grant Special Conditions," dated January 25, 2016 are applicable.

Funds provided by this award include support for "Research Experiences for Undergraduates" in accordance with the NSF program solicitation NSF 13-542.

APPROVAL	:	N/A	AWARD DATE	:
PHONE	:		OTHER ACTION	:
			OTHER ACTION DATE	:
			NO COST EXTENSION DATE	:

Applicable Policies and Provisions

▶ Uniform Guidance

- ▶ Covered in Course 2 (Costing Principles and Cost Accounting Standards)
- ▶ Is an authoritative set of rules and requirements for federal awards that synthesizes and supersedes guidance from earlier OMB circulars.
 - <http://www.bfs.ucsb.edu/omb/omb-uniform-guidance>
 - <http://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5>

Applicable Policies and Provisions

- ▶ Research Terms and Conditions (RTC)
 - History:
 - Federal Demonstration Partnership (FDP): An assembly of universities and federal agencies that meet regularly to find ways to reduce the amount of administrative requirements for conducting federally-sponsored projects
 - All UC campuses are member institutions

Applicable Policies and Provisions

- ▶ Research Terms and Conditions (continued)
 - A standard set of terms and conditions for federal research grants and cooperative agreements that implements a streamlined version of the UG (with fewer prior approval requirements)
 - RTCs are largely based on the terms and conditions that have been utilized for a number of years by the FDP
 - <http://www.nsf.gov/awards/managing/rtc.jsp>

Applicable Policies and Provisions

- ▶ Federal agencies using RTCs:
 - NIH
 - NSF
 - DOE
 - USDA/NIFA
 - NASA
 - Dept. of Commerce (including NOAA)
 - Dept. of Homeland Security
 - EPA

Note: DoD agencies are not participating in the latest RTC, but they have general terms that serve the same purpose.

Applicable Policies and Provisions

- ▶ Federal Acquisition Regulations (FAR) (48 CFR Parts 1–9999)
 - Government procurement (contract) requirements
 - Federal agencies have their own variations of FAR Clauses
 - Defense Federal Acquisition Regulations (DFAR)
 - Department of Energy Acquisition Regulations (DEAR)

Section I - Contract Clauses

CLAUSES INCORPORATED BY REFERENCE

52.202-1	Definitions	NOV 2013
52.203-3	Gratuities	APR 1984
52.203-5	Covenant Against Contingent Fees	MAY 2014
52.203-6	Restrictions On Subcontractor Sales To The Government	SEP 2006
52.203-7	Anti-Kickback Procedures	MAY 2014
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	MAY 2014
52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity	MAY 2014
52.203-12	Limitation On Payments To Influence Certain Federal Transactions	OCT 2010
52.203-17	Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights	APR 2014
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	JAN 2017
52.204-4	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper	MAY 2011
52.204-7	System for Award Management	OCT 2018
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards	OCT 2018
52.204-13	System for Award Management Maintenance	OCT 2018
52.204-19	Incorporation by Reference of Representations and Certifications.	DEC 2014
52.204-21	Basic Safeguarding of Covered Contractor Information Systems	JUN 2016
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities.	JUL 2018
52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment	OCT 2015
52.209-9	Updates of Publicly Available Information Regarding Responsibility Matters	OCT 2018
52.215-2 Alt II	Audit and Records--Negotiation (Oct 2010) - Alternate II	AUG 2016
52.215-8	Order of Precedence--Uniform Contract Format	OCT 1997
52.215-14 Alt I	Integrity of Unit Prices (Oct 2010) - Alternate I	OCT 1997
52.215-15	Pension Adjustments and Asset Reversions	OCT 2010
52.215-17	Waiver of Facilities Capital Cost of Money	OCT 1997
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions	JUL 2005
52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data -- Modifications	OCT 2010
52.216-7	Allowable Cost And Payment	AUG 2018
52.216-11 Alt I	Cost Contract--No Fee (Apr 1984) Alternate I	APR 1984
52.216-15	Predetermined Indirect Cost Rates	APR 1998
52.217-9	Option To Extend The Term Of The Contract	MAR 2000
52.219-8	Utilization of Small Business Concerns	OCT 2018
52.219-16	Liquidated Damages-Subcontracting Plan	JAN 1999
52.222-3	Convict Labor	JUN 2003
52.222-21	Prohibition Of Segregated Facilities	APR 2015
52.222-26	Equal Opportunity	SEP 2016

Post Award Administrative Actions Requiring Prior Approval and/or Institutional Endorsement

SPO/TIA Team help to review & endorse these actions:

- Rebudgeting
- No cost extension
- Issuing Subaward and/or approval to add
- Significant changes in scope/key personnel
- Equipment purchases
- Travel
- Carry forward of funds

For all of these post-award actions the department must submit a Desk Action in ORBiT.

THANK YOU

PLEASE COMPLETE EVALUATION