



**FEDERAL DEMONSTRATION PARTNERSHIP**

**Redefining the Government & University Research Partnership**

# Contracts/Data Stewardship

Melissa Korf, Harvard University

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# Agenda

- Updates
  - DTUA Pilot
  - DTUA Template Development
  - OTA Working Group
  - Information/Data Security Contract Clauses
- Current Issues
  - NIH Data Management and Sharing RFI
  - CUI FAR Clause
  - Foreign Involvement/Emerging Technologies
  - Fundamental Research Determinations



# Data Stewardship Subcommittee

- Co-chairs:

- Melissa Korf (Harvard University)
- Richard Ikeda (NIH)

- Website:

<http://thefdp.org/default/committees/research-compliance/data-stewardship/>



# Data Stewardship – Previous Achievements

- Data Transfer and Use Agreement (DTUA) Template Project (in collaboration with Contracts):
  - Co-chairs: Melissa Korf (Harvard) and Martha Davis (Brandeis)
  - Initial DTUA template components released May 2017
  - Held DTUA 101 webinar in October 2018 (recording and slides available on the Data Stewardship website page)
  - Pilot began November 1, 2018 with 32 organizations (list available [here](#))



# Data Stewardship – Plans for 2019

- **DTUA Template Project:**
  - Version 1 of DTUA FAQs distributed for feedback; please submit any feedback to [Melissa\\_Korf@hms.harvard.edu](mailto:Melissa_Korf@hms.harvard.edu) by **February 15, 2019**
  - Published [DTUA Provider Guidance Chart](#)
  - DTUA Attachment 2 versions for use in sharing Personally Identifiable Information (PII) to be published in early February 2019
  - Collaboration with Subawards to develop DTUA language that could be incorporated into a Subaward agreement (and corresponding guidance) just kicked off – first call scheduled for next week!
  - Collect data from DTUA pilot participants and disseminate results



# DTUA Project – Future Efforts?

- Collect suggestions for edits/improvements to existing template components for future revisions
- Suggestions for additional versions of Attachment 2 that would be needed to cover additional data types?
- Rework the face page for use in bidirectional transfers?
- Other priorities for template development projects?
- Other guidance materials needed?



# Open Data Access

- [NIH RFI](#) on proposed policy provisions
- Hoping to coordinate session with appropriate NIH representatives regarding the pending NIH policy for the May meeting
- Resources needed by FDP member organizations?
  - Collaboration with costing to explore the costs of data management and sharing?
  - Other opportunities the membership would find useful?
  - What kind of activities are organizations working on to smooth implementation?



# Faculty Workload Survey Data

- Several questions related to Data Stewardship included in the most recent Faculty Workload Survey.
- How might we leverage this data to identify additional opportunities to reduce administrative burden in this space?





# Contracts Subcommittee

- Co-chairs:
  - Alexandra Albinak (Johns Hopkins University)
  - David Mayo (California Institute of Technology)
  - Melissa Korf (Harvard University)
- Subcommittee Webpage:
  - <http://thefdp.org/default/committees/research-administration/contracts/>



# Contracts Subcommittee: Goals

- To **identify common practices in contracts processing** that can be expedited by uniform procedures within FDP IV;
- To design, monitor, and evaluate new procedures and concepts that respond to the legal requirements of the contracts process, but do so **more efficiently**;
- To study the similarities and differences between the grant and contract process to see if gains in costs and efficiency can be generated by **adapting some of the FDP grant procedures for use with contracts**; and
- To **provide a forum** for discussion of and possible resolutions for contracting issues as they arise for member institutions and agencies.



# New OTA Working Group

- Co-chair: Mike Kusiak, University of California
- Start with reviewing GAO Report, "Use of 'Other Transaction' Agreements Limited and Mostly for Research and Development Activities"
- Seek involvement from Federal agency representatives, ideally from both NIH and DoD
- Proposed initial deliverables: white paper on OTAs and special considerations for recipient organizations in administering and corresponding session at the NCURA Annual Meeting in August



# GAO Report Data for FY2010- FY2014

Agency	2010	2011	2012	2013	2014
Advanced Research Projects Agency – Energy <sup>a</sup> (ARPA-E)	3	3	3	3	0
Department of Defense (DOD)	69	76	88	77	79
Department of Energy (DOE)	2	3	3	3	3
Department of Health and Human Services (HHS)	0	0	0	1	1
Department of Homeland Security (DHS)	19	14	8	4	3
Department of Transportation (DOT)	75	54	30	26	21
Domestic Nuclear Detection Office (DNDO)	0	0	0	0	0
Federal Aviation Administration (FAA)	44	48	54	60	65
National Aeronautics and Space Administration (NASA)	2,217	2,611	2,891	3,080	3,223
National Institutes of Health (NIH)	6	6	6	5	5
Transportation Security Administration (TSA)	408	435	564	579	637



# NIH changes in volume?

- Very rough data from the NIH RePORTER (search criteria (searched for “1OT%” in the Project Number for each FY)
  - FY 2015: none found
  - FY 2016: 25
  - FY 2017: 37
  - FY 2018: 41
- Comments from NIH agency updates yesterday that NIH OTAs are anticipated to increase even more



# DoD OTA volume?

- 2018 NDAA:

**SEC. 867. PREFERENCE FOR USE OF OTHER TRANSACTIONS AND EXPERIMENTAL AUTHORITY.**

In the execution of science and technology and prototyping programs, the Secretary of Defense shall establish a preference, to be applied in circumstances determined appropriate by the Secretary, for using transactions other than contracts, cooperative agreements, and grants entered into pursuant to sections 2371 and 2371b of title 10, United States Code, and authority for procurement for experimental purposes pursuant to section 2373 of title 10, United States Code.

- Although, the 2019 NDAA requires DoD to report on the use of OTAs...



# Questions to be considered for white paper?

- Applicability of standard UG cost principles?
- Are OTAs included under Single Audit requirements?
- Should recipient systems be updated to track OTAs? If so, how?
- Other questions we should consider?



# Information Security Clauses (and CUI)

- Goal is to pool resources from member organizations to create a resource for contract negotiators regarding the applicability and use cases for common contract clauses, including possible push-back arguments
- Once the CUI FAR clause is published, develop resources that may be helpful to the membership in implementation
- Collaborate with eRA to host session on the Controlled Unclassified Information (CUI) program (hopefully for the May meeting)





# Foreign Involvement/Emerging Technologies

- [ANPRM on Review of Controls for Certain Emerging Technologies](#)
- Starting to hear reports that DoD is no longer providing Fundamental Research determinations for certain contract types
- Have member institutions been encountering this?
- Is there anything FDP can do to help?



# Offers to Volunteer (and maybe questions, too)

- Melissa Korf: [Melissa\\_Korf@hms.harvard.edu](mailto:Melissa_Korf@hms.harvard.edu)
- Alexandra Albinak: [amckeown@jhu.edu](mailto:amckeown@jhu.edu)
- David Mayo: [David.Mayo@caltech.edu](mailto:David.Mayo@caltech.edu)