



FEDERAL DEMONSTRATION PARTNERSHIP

Redefining the Government & University Research Partnership

Subawards Subcommittee

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Agenda

- Working Groups:
 - Guidance
 - Template 2019
 - Late subawards
- DTUA collaboration
- IACUC – Come to our session on Friday AM
- Obligated, authorized and the TAFFOD
- MTAs
- Data and IP Reporting Questions
- COC
- Website feedback



Working Group: Guidance

- FAQs v6 almost done!
 - The hold up will be discussed shortly
- Will be posted by the end of January
- Summary of changes:
 - Introduction
 - 18 NEW FAQs
 - Many REVISED to include foreign guidance



Working Group: Templates

- 2019 Template updates working group will be convened soon
- If you want to join: subawards@thefdp.org
- Will consider changes as needed per COC requirements, as well as member feedback
- Some areas related to updates will be brought to group at the May meeting
- 2019 templates will be released in September with free webinar trainings offered in the fall



Working Group: Late Subs

- Planning survey on institutional procedures, challenges and processes
- Balance of having valuable detail while also minimizing the number of questions to facilitate user participation



Working Group: DTUA collab.

- We will be collaborating with the DTUA group to create some optional T&Cs to cover DTUA obligations as part of the FDP subaward
- In process of scheduling first meeting, at this time we have enough volunteers
- Goal is to formulate consistent, useful language
 - For clarity: institutions will not be required to incorporate data use provisions in the subaward templates, but it is a useful option



DTUA: Fun Collaboration

- Why are we looking at this?
 - Opportunity to reduce administrative burden
 - One document with all obligations, when appropriate
- What is the scope of this?
 - Looking at streamlined clauses to add to subaward templates
 - Guidance on when it is ideal to use the subaward template or a separate DTUA
 - Guidance on discussing if there are opportunities to incorporate data use language into subawards issued by your institution



IACUC Collaboration

- Institutions have asked about incorporating IACUC information to obviate the need for a separate MOU
- Reached out to IACUC compliance subcommittee and are co-hosting a session tomorrow at 9 am
- You don't have to be an expert!
- If you want to be prepared, you may want to think about:
 - The use of MOUs at your institution
 - Would your institution want to include MOU requirements in subawards?
 - What is the operational relationship between central/IACUC?
 - How does this inform operational barriers and opportunities to use the subaward versus MOU?



Obligated, Authorized, TAFFOD

NEW FAQ #38 raises a question for your consideration:

- **What is the difference between *obligated* and *authorized*? This is often referenced in Notices of Awards (NoAs) and subawards.**
 - Upon the issuance of an NoA or the execution of a contract or subaward, an obligation is incurred to set aside funds for the payment of work as outlined in the award.
 - An amount authorized is the permission from the federal awarding agency or PTE to spend a specific dollar amount during a specific timeframe of the amount that was *obligated*.
 - Sometimes the amount *authorized* and the amount obligated are the same. However, that is not always the case, especially when PTEs are unable to authorize the full or partial amount of carryover requests from one budget period to the next.



Obligated, Authorized, TAFFOD

- Do we agree on the definitions of Obligation and Authorization?
- What is the ***Total Amount of Federal Funds Obligated to Date*** if the carryover amount of the full unobligated balance is not authorized by the PTE?
 - If carryover of the full unobligated balance is not authorized by the PTE, the ***Total Amount of Federal Funds Obligated to Date*** should remain the same (the full amount obligated) under the agreement. See definitions of *obligated* and *authorized* above. The language in the subaward should be sufficiently detailed with the dollar amount and the timeframe the carryover is authorized for spending. This is recommended regardless of whether the full or partial carryover is approved. *For Example:* Carryover from Year 1 is authorized for spending in the amount of \$45,000 for the Year 2 budget period 1/1/2018 to 12/31/2018.



Suggested Change to FAQ #39

If carryover of the full unobligated balance is not authorized by the PTE, the ***Total Amount of Federal Funds Obligated to Date (TAFFOD)*** should remain the same (the full amount obligated) under the agreement unless the PTE chooses to de-obligate the remaining amount not authorized. Authorizing less than full carry over in a standard carry over authorization amendment is not enough to effect a de-obligation. De-obligations must be explicitly made in an amendment. If the PTE chooses to de-obligate, they must update the TAFFOD in the amendment. See definitions of *obligated* and *authorized* above. The language in the subaward should be sufficiently detailed with the dollar amount and the timeframe the carryover is authorized for spending **and any de-obligation language as appropriate**. This is recommended regardless of whether the full or partial carryover is approved.



Example, let's assume...

- Original agreement: Amount Funded This Action - Budget period 1: \$100,000
- Unobligated from budget period 1: \$25,000
- Amendment #1:
 - Amount Funded This Action – Budget period 2: \$100,000
- TAFFOD: **\$200,000**



Examples of partial carryover authorization

Scenario 1, PTE authorizes partial carryover, maintains TAFFOD (for now) for future consideration.

PTE only approves \$15,000 of the \$25,000 carryover request

Amount funded this action = \$0

TAFFOD: \$200,000

- **Additional Terms: Carryover from Year 1 is authorized for spending in the amount of \$15,000 for the Year 2 budget period of _____ to _____.**



Examples of partial carryover authorization

Scenario 2 - PTE does not approve the entire amount of the carryover request and chooses to de-obligate the remainder.

PTE only approves \$15,000 of the \$25,000 carryover request

Amount funded this action = \$0

Total Amount of Funds Obligated to Date: **\$190,000**

- **Additional Terms: Carryover from Year 1 is authorized for spending in the amount of \$15,000 for the Year 2 budget period of _____ to _____. The Total Amount of Funds Obligated to Date is hereby reduced to \$190,000.**



MTAs

- Received several queries about incorporating MTAs into subawards
- Some institutions have tech transfer review and others have it in the central office
- Template working group will consider this, but we wanted to gauge the membership at large as to general preference:
 - Add option to attach UBMTA via Attachment 6
 - Not open this can of worms



Speaking of IP...

- Received a request to address IP reporting requirements
- Attachment 4 requires the subrecipient must report inventions to the PTE so the PTE can report them to the federal agency
- The PTE must then report those reports to the federal agencies
- However, the subrecipient is responsible for reporting them in iEdison
- In the context of open government/eRA conversations around de-duplicating efforts, should we bring some of the duplication of reporting up to eRA to see if there is a way to streamline this?
- Any other examples of areas where we report on subrecipients in a way that is this duplicative?



Speaking of IP...

- Received a request to amend the data rights clause
- Changes underlined:
- Data Rights: Subrecipient grants to Pass-through Entity the right to use data created in the performance of this Subaward Agreement to meet Pass-through Entity's obligations to the Federal Government under its Prime Award and for its own research, educational, clinical and publication purposes.



Certificates of Confidentiality

- Checking in one last time
- Please let us know your experiences
- We will be sending out a brief survey from the Template working group to confirm this and some other potential changes



Fixed-Rate Clinical Trial Sample

- Interim sample issued with revisions Nov 2018
- Working group kicked off led by:
 - Brenda Kavanaugh, Brenda.kavanaugh@rochester.edu
 - Jennifer McCallister, jennifer.mccallister@duke.edu
- Discussing
 - Per patent (fixed-rate) billing model for both clinical trials and clinical research
 - Edits to the Fixed-Rate CT sample
 - ‘Amount Funded This Action’
 - NIH CT definition – need to issue guidance



Project Specific Forms

- Overlap in some areas related to what is in the subaward template
 - fCOI certification
- What could we consider when talking about project specific forms?
 - What information is constructive?



Website

- We completely changed up our webpages
- Have you noticed?
- What do you think?



Friendly Reminder: Changes

- Templates created to make things easier – don't change them!
- Let us know if you get one with changes, we'll contact the institution.



What's Next?

- Working groups continue their amazing work
 - Subcontract Sample
 - Guidance
 - Template updates for 2019
 - IACUC discussions
 - DTUA discussions
 - Clinical Trial/Research
- Other suggestions?



Contact Us

subawards@thefdp.org

Automatically goes to all three co-chairs:

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