

Uniform Guidance Implementation

FEDERAL DEMONSTRATION PARTNERSHIP



Michelle Bulls, NIH

Jean Feldman, NSF

Jim Luther, Duke University

Sara Bible, Stanford University

January 12, 2015

NIH & NSF Implementation

(Questions Collected from FDP Committee Members)

- Agency Implementation
 - Research T&Cs: timing, transition and retroactivity
 - Timeline and content for release of NIH GPS
 - Clarity on application of UG for pre-UG awards (e.g. unspent), new increments, carry-forward, etc.
 - Clarity of reference of UG on new NIH UG awards
 - UG's 60 day comment period - NIH and NSF anticipated response
- F&A Issues
 - Rate for Foreign subs: 8% or 10%
 - Use of uncollected F&A as cost sharing
 - Approval process for F&A rates lower than the IHE negotiated indirect cost

NIH & NSF Implementation

(Questions Collected from FDP Committee Members)

- 120 days Financial Report Closeout - Update
- Costing
 - Short-term visa allowability
 - Allowability and allocation of Computing Devices
 - Expectation of internal controls
 - Computer software
 - Special guidance for devices such as iPads, iPhones, BlackBerries, and cell phones?
 - Commercial airfare: lowest unrestricted vs. change fees?
 - Prior approval requirements for clerical and admin salaries
 - Publication Costs – Service Centers to manage and charge costs 18 months after project end date?

Changes/clarifications from Dec 26, 2013 to Dec 19, 2014

- “Should” became “must” in several sections
- Costing issues
- Indirect Costs (F&A)
- Cost Accounting Standards Disclosure Statement (DS-2)
- Procurement Standards
- Federal funding agency implementation plans incorporated
- 60 day comment period

Uniform Guidance Implementation

- This presentation does not include all of the changes in the Interim Final version of the Uniform Guidance
 - Focus is on significant costing/indirect cost changes
- Interpretations are preliminary - require further analysis and input from cognizant agencies for indirect costs and other federal agencies

Changes/clarifications: Costing issues

- § 200.80 Program Income – Unless the Federal statute, regulations, or terms and conditions for the Federal award provide otherwise, the non-Federal entity has no obligation to the Federal awarding agency with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under a Federal award
- § 200.431 Terminal Leave – Payments for unused when an employee retires or terminates employment are allowable in the year of payment.

Changes/clarifications: Indirect Costs (F&A)

- § 200.68 Definition of MTDC
 - Change to exclude participant support costs
 - Issue of excluding vendor contracts over \$25K resolved
- Appendix III to Part 200—Indirect (F&A) Costs...
 - Amount over salary cap is not cost sharing
 - May not need to be included in base for calculation of indirect (F&A) rates
- At § 200.306 (k) the UG references OMB memorandum M-01-06, dated January 5, 2001, Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs is referenced

Changes/clarifications:

CAS Disclosure Statement (DS-2) § 200.419

- An IHE must file amendments to DS-2 to the COG... six months in advance of a disclosed practice being changed to comply with a new or modified standard, or when a practice is changed for other reasons.
- Revised DS-2 form to be released soon
 - DS-2 to be a “living document” that is updated when a change in accounting practice is anticipated/made – rather than through letters to cognizant agency (either ONR or Cost Allocation Services (CAS) within DHHS)
- For most institutions, the revised DS-2 will be due at the time of next F&A rate proposal

Changes/clarifications:

Procurement Standards 200.317 – 200.326

- Non-Federal entities may continue to comply with the procurement standards in previous OMB guidance for one additional fiscal year
- If a non-Federal entity chooses to use the previous procurement standards for an additional fiscal year ..., the non-Federal entity must document this decision in their internal procurement policies.
- Procurement Standards Working Group – considering options and a pilot

Other UG Changes

- § 200.205 Federal awarding agency review of risk
 - Removed FAPIIS Dun and Bradstreet
- § 200.101 Applicability of the UG
 - Review the table on page 75881 (table useful; wasn't correctly formatted in the 12/26/13 version)
- § 200.102 exceptions – removed “No case by case exceptions may be granted in Subpart F Audit Requirements” 75882 page – top left hand corner
 - Cannot be more restrictive with audit requirements
- § 200.210 Deleted DUNS number and now requires System of Award Management (SAM) Registration

Issues to be Addressed

- § 200.318 (c) (1) Procurement Standards
 - No conflict of interest (COI) allowed
 - Advocate change to “no unmanaged COI...”
- § 200.320 & § 200.67 - \$3,000 micro purchase threshold
- § 200.430 Compensation – Personal Services
 - NSF and HHS audits of Project Certification Pilots
- § 200.419 CAS Disclosure Statement
- Other ?

Comments to OMB/COFAR/Federal Funding Agencies

- OMB/COFAR providing 60 day comment period – comments to be submitted through www.regulations.gov by February 17, 2015
- May also comment to federal funding agencies on implementation plans
- Any egregious errors, issues noted in previous slides, typos, etc.

Questions and Contact Information



Michelle Bulls

michelle.bulls@nih.gov

Jean Feldman

jfeldman@NSF.GOV

Jim Luther

james.luther@duke.edu

Sara Bible

sbible@stanford.edu