



FEDERAL DEMONSTRATION PARTNERSHIP
Redefining the Government & University Research Partnership

Subawards Subcommittee

Amanda Hamaker, Purdue University

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Agenda

- Session format
- Subcommittee co-chair update
- Subaward delays
- State law discussion
- Working Group updates
- Other updates



Session Format

- Please feel free to ask questions
 - Use the chat box
 - During discussion, if you raise your hand, we will unmute you
- If there are unanswered questions, we will follow up by email
 - Will post to the list serv
 - All questions will be de-identified



Subcommittee Co-Chair Updates

- Sadly Amanda Hamaker is rolling off the subcommittee after more than 7 years of amazing service
- Luckily she isn't going far!
- Taking a leadership role in the Expanded Clearinghouse



Subcommittee Co-Chair Updates

- We are pleased to announce that Kari Tetrault from the Institute for Systems Biology will be joining us as our new co-chair!
- Kari has a broad background in grants management and has worked at institutions of a variety of sizes and types
- Has worked on clinical trial projects
- Has department and central experience
- We want to thank all our applicants, it was a difficult choice



Subaward Delays

- Asked FDP members quantitative and qualitative questions about the process of issuing and executing subawards.
- 99 Responses from the PTE and subrecipient perspectives.
- Fall 2019: Survey open
- Jan 2020: Presented initial results at FDP
- Sep 2020: Presented detailed results at FDP
- Spring 2021: Reconvened the working group
- **May 2021: Presenting final recommendations at FDP**



Subaward Delays

- A lot has changed since 2019.
- Maybe we have improved?
- 45 days after prime award start date is not a “delay.”
- Some obvious recommendations.
 - (i.e. more training)
- Some ideal recommendations.
 - (i.e. more staff, or, a perfect system solution)
- Some status quo recommendations.
 - (i.e. continue to do x, y, z)



Subaward Delays

Recommendations for FDP

- Link Subaward Delays and Faculty Workload Surveys.



Subaward Delays

Recommendations for FDP Subawards Subcommittee

- Post survey results for use in subaward discussions at home institutions.
- Cite survey results in current and future subaward guidance and tools.
- Consider survey results in future WG discussions.
- Invite member institutions with promising subaward practices to present at FDP.
- Continue to clarify federal requirements related to subawards.



Subaward Delays

Recommendations for FDP Subawards Subcommittee

- **Update and refine RAQ/CAT, tools, and guidance.**
- Continue to work with Expanded Clearinghouse and Proposal WGs.
- Continue to iterate subaward and amendment templates.
- Explore different file formats for local system integration at member institutions.
- Explore pros and cons of digital signatures and institutional subaward portals.



Subaward Delays

Recommendations for FDP member institutions

- Explore **process solutions** to prompt PI/Dept instead of waiting for them to initiate subawards.
- Explore **systems solutions** to prompt PI/Dept instead of waiting for them to initiate subawards.
- Analyze decisions left to individual PIs, remove those that may be inefficient or inappropriate.
- Begin subawards process as you begin the prime award process, make subawards less of an afterthought.
- Issue draft subawards ASAP, even if you have to hold full execution until meeting other requirements.



Subaward Delays

Recommendations for FDP member institutions

- Streamline **internal** document collection, this is a heavier lift than external document collection.
- Minimize the number of handoffs and approvals in the subaward workflow or business process.
- Pare down checklists to what is required, leverage FDP membership, clearinghouses, other shared resources.
- Mine subaward business processes for steps to automate, eliminate, or move to after signatures.



Subaward Delays

Recommendations for FDP member institutions

- Notify subrecipients and collect documents earlier in the process (proposal, JIT, award).
- Only collect documents required by the federal sponsor, or explore “upon request” options.
- Continue to minimize use of general subrecipient questionnaires unless warranted by **specific** risk assessment or project concerns.



Subaward Delays

Recommendations for FDP member institutions

- Use dedicated subawards staff and central subaward email addresses.
- Run reports to catch pending subawards and **prevent egregious delays** beyond the project start date.
- Leverage existing systems and reporting to get ahead of amendments that you know are coming up.
- Explore creative ways to prioritize subawards other than first-in-first-out, take into account start date, etc.



Subaward Delays

Recommendations for FDP member institutions

- Continue to use amendments instead of new subaward agreements for continuation years.
- Develop separate, streamlined process for amendments, and explore different approval or signature authorities.
- Expand unilateral amendment use.



Subaward Delays

Recommendations for FDP member institutions

- Issue subawards for the whole project period, and increase obligated funding via annual amendments.
- Always flow down auto CF if granted by prime award, only add T&Cs required by prime award.
- Hyperlink to FDP Guidance/FAQs in internal subaward business processes.
- Elevate FDP Guidance/FAQs above individual (or individual institution) preferences.
- Explore digital signature routing systems, but remain flexible and avoid locking documents.



Subaward Delays

Recommendations for individuals

- Consult FDP Guidance/FAQs to help when you have questions about subaward process or requirements.
- Contact subawards@thefdp.org for clarification, or assistance.
- Use FDP subawards listserv as a resource.



Subaward Delays – Thank You

- Everyone who developed the survey!
- Everyone who responded to the survey!

With special thanks to...

- Kathy Kreidler – University of Texas Health Science Center, Houston
- Frank La – University of Texas Health Science Center, Houston
- Brenda Kavanaugh – University of Rochester
- Gene Rutherford – Johns Hopkins University
- Joe Gibbs – UCLA
- Tracy Eveigan – Rutgers University
- Ginger Phillabaum – Auburn University



State Law Discussion

- Came up because a state institution is required to include additional clauses in all their contracts, including subawards
- Specific example: use of E-verify
 - Some states requiring it for contractors and subcontractors/recipients:
 - Florida
 - Alabama
 - Georgia
 - Missouri



State Law Discussion

FAQ 52, page 22

In Attachment 2, what is the intent of the “Additional Terms” box?

*The intended use of the “Additional Terms” box is to include reasonable terms and conditions that the PTE may need to incorporate into the FDP Subaward template, such as state-specific laws that are mandated by state law and applicable to the subrecipient, flow-down terms from the NoA, project-specific terms that are not addressed elsewhere in the attachments, and additional restrictions for subrecipients identified as high risk. FDP strongly discourages the use of this space for generic imposition of additional terms like choice of law, insurance requirements, and indemnification. Additionally, PTEs should not include terms that may conflict with any term in the FDP Subaward template language. **State-specific laws should only be incorporated when the state law requires the incorporation into the subaward, such as some states may have requirements around conflicts of interest that must be incorporated into all state contracts. State institutions should be mindful that the addition of such terms must be supported by state law AND that the additional requirement does not conflict with applicable federal laws.***



State Law Discussion

- State/Public institutions
 - How do institutions react when you send additional terms?
 - Communications/supporting documents?
 - How do you vet the requirements to make sure they are necessary?
- Private institutions
 - What do you do when you get these terms?
 - How often is this coming up? Do you get a lot of these?
- Inter-state law conflicts?
 - Anyone have any examples?



Subaward to Federal Entities

- This has come up a few times in a few flavors
 - CRADAs
 - Clinical trial arrangements
 - Subawards
- Wide variety of responses from federal agency partners based on agency policy and process
- Would like to understand how pervasive
- Would like to engage working group leads:
 - Hoping for a federal partner if you have suggestions
 - Would love volunteers from this group!



Working Group Updates

- IACUC MOU
 - Out for comment, we welcome your thoughts
- Subcontract
 - Guidance Posted
- Human Subjects Data Attachment 7: PILOT
 - Please complete survey a few times before Sept meeting
- Templates and Guidance
 - Accepting comments & feedback; next round 2022
- Subaward Delays
 - Complete



Other Updates

- Working with Finance, Audit & Costing on next steps related to invoice discussion from January meeting
- FFATA has also come up again
 - Federal Register notice on potential changes
 - GAO workstream after sam.gov
 - Compliance supplement
 - Will have more information soon
 - Will likely involve collaboration with eRA and OGRAD and will include Finance, Audit & Costing



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.



COVID-19 & Subawards

REMINDER:

- Posted sample force majeure language to [FDP Subaward Forms](#) page
- Not required to include force majeure because of additional Terms on Attachment 2
 - Don't need to rush out and modify all subawards
- Options to use:
 - FDP foreign subaward language;
 - General force majeure language from FDP sample language; or
 - COVID-19 specific language from FDP sample language



Contact Us

subawards@thefdp.org

Automatically goes to all co-chairs:

Amanda Humphrey, Northeastern University

Kevin Ritchie, Harvard Medical School

Kari Tetrault, Institute for Systems Biology



Next FDP Session

Compliance Unit Standard Procedure/Universal Protocol Template

3:00pm ET/ 12:00pm PT

thefdp.org/