



# FEDERAL DEMONSTRATION PARTNERSHIP

Redefining the Government & University Research Partnership

## Uniform Guidance: Updates on Expected Changes

Jim Luther, Duke University

Sara Bible, Stanford University

Edwin Bemmell, University of Miami

Douglas Bachman, University of Central Florida

January 9, 2017



# Uniform Guidance: Updates/ Expected Updates

- Procurement Standards
- Utilities Cost Adjustment (UCA)
- CAS Disclosure Statement (CAS DS-2)
- 21st Century Cures, American Innovation and Competitiveness Act
- National Defense Authorization Act



# *Procurement Standards*

## *§ 200.317 - § 200.326*

- In September, OMB committed to:
  - Defer the procurement guidelines by another 12 months to be effective FY 2019
  - Open for public comment a revision to the MP section of the procurement guidelines
- Late Nov. they indicated that they still planned to issue modified procurement rules
- We are currently awaiting word from OMB



# Legislative Initiatives

- **National Defense Authorization Act**

- Signed into law by President Obama on December 19, 2016
- Increased the MP threshold level to \$10,000 or higher as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk, or state law
- It is not clear what executive agency head can approve a higher level (cognizant agency?)

## American Innovation and Competitiveness Act

- Passed the House and the Senate and presented to the President on 12/28/16
- Signed into law by President Obama on January 6, 2017
- Similar language on procurement



# Several items needing clarification:

- What authority (UG vs signed bills) takes precedence?
  - Does this supersede any extensions granted by OMB?
  - When can we start using the \$10,000 MP threshold?
  - Will OMB still grant a third extension to allow for implementation?
- What is the process of requesting a higher threshold?
- Who is this request submitted to? (cognizant agency? Each federal sponsor individually?, OMB?)
- What is considered a clean audit?
- What internal controls will be acceptable? How will this be determined?
- What will be a reasonable response turnaround time by the executive agencies for requests of higher thresholds?



# Utility Cost Adjustment

- OMB and the COFAR included language in the Uniform Guidance to allow periodic updates to the Relative Energy Use Index (REUI) .
  - COGR and Attain performed a study that indicates the REUI should be increased from 2.0 to 4.2.
- A technical correction may be expected to the UG, or an FAQ may be added?



# CAS Disclosure Statement (DS-2)

- Implementing a cost accounting change requires an IHE to file an amendment six months in advance of a change
  - Timing of the process of review and approval by the cognizant agency is uncertain; Can the IHE move forward with the change or not? How long must one wait?
  - At least one cognizant agency for indirect costs has indicated they do not have the resources to approve changes in a timely manner
  - What is the recourse for an IHE if the cognizant agency notifies them that more time is needed to review their request?
  - No limit on how long an IHE must wait for their DS-2 to be reviewed
- An IHE may be prohibited from making practical and administratively sound changes in accounting practice for an extended period of time because of delays in the review and approval process

## Current status

- Still waiting on a new format that reflects the Uniform Guidance
- Once issued, we will have 60 (or 90) days to update...only to put it on the shelf



## Recent Legislative Actions Taken to Reduce Research Regulatory Burden

### Actions

#### 21st Century Cures

(Passed House and Senate. Signed into law Dec. 13)

[Link to PDF](#)

#### American Innovation and Competitiveness Act

(Passed Senate Dec. 10 and House on Dec. 16.)

[Link to PDF](#)

#### National Defense Authorization Act

(Passed House and Senate. Conference report language adopted by Senate on Dec. 8)

[Link to PDF](#)

- Research Policy Board
- Interagency Working Group on Research Regulations
- Micro-purchase Threshold (bids for small purchases)
- Review Financial Conflict of Interest Policies
- Simplified Budget Proposal & Greater Use of Just-in-time
- Review and Simplify Progress Reports
- Sub-recipient Monitoring





# Discussion and Questions