Subawards Subcommittee

Co-chair: Kevin Ritchie, Harvard Medical School
Co-chair: Maggie Hassan, Emory University
Co-chair: Jennifer McCallister, Duke University
Co-chair: Stuart Politi, University of Pennsylvania
Agenda

- New Co-chair Introductions
- Subaward Templates Working Group
- FAQ/Guidance Working Group
- NIH NOT-OD-23-182
- MFTRP and Subawards
- Order of Precedence
- NIH referencing Sub’s audit findings in PTE’s NOA
- Volunteer and Standing Subcommittee updates
New Co-chair Introductions

• WELCOME!
• Co-chair: Maggie Hassan, Emory University
• Co-chair: Jennifer McCallister, Duke University
• Co-chair: Stuart Politi, University of Pennsylvania
Subaward Templates
Working Group

Co-lead: Beth Kingsley, Yale University
Co-lead: Carrie Chesbro, Stanford University
Maria H. Mendes Hartstein, Princeton University
Mora C. Harris, Johns Hopkins University
Jennie Wyderko, Virginia Tech
Subaward Templates WG

• Draft templates/samples posted on 12/12/23.
• Feedback survey live through 1/15/24.
• Revised templates/samples posted on 4/12/24.
• Summary posted to Supporting Documentation.
• UG updates (and minor fixes) forthcoming.
• MFTRP?
• UG updates effective October 1, 2024
• “F&A” --> “Indirect costs”
• “Non-federal Entity” --> “Recipient” and “Subrecipient”
• Clarify which sections apply to Federal agency or PTE
• MTDC IDC on subs increase to $50,000
• Single Audit threshold increase to $1,000,000
• Fixed amount subs threshold increase to $500,000
• De minimis IDC increased to 15%
Indirect Information
Indirect Cost Rate (IDC) Applied

Rate Type:
- Modified Total Direct Costs

Budget Details
- Total Direct Costs
- de minimis rate of 10%
- NIH foreign rate of 8%
- Salaries & Wages
- Other (add in blank box)

Attached, ___ pages
Subaward Templates WG

Budget Information

Indirect Cost Rate Information
- Type: SELECT RATE TYPE
- Base: SELECT RATE BASE
- Rate Applied: %
- Cost Sharing: No
- If Yes, include Amount: $

Budget Details
- Below
- Attached, pages

Budget Totals
- Direct Costs $
- Indirect Costs $
- Total Costs $

All amounts are in United States Dollars
• Template fixes
  • Final invoice due date menu does not disappear

![Subaward Templates WG](image-url)

**FDP Fixed Rate Clinical Research Subaward**

<table>
<thead>
<tr>
<th>Federal Awarding Agency:</th>
<th>National Institutes of Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass-Through Entity (PTE):</td>
<td>Subrecipient:</td>
</tr>
<tr>
<td>Duke University</td>
<td></td>
</tr>
<tr>
<td>PTE PI:</td>
<td>Sub PI:</td>
</tr>
<tr>
<td>PTE Federal Award No:</td>
<td>Subaward No:</td>
</tr>
<tr>
<td>Project/ Study Title:</td>
<td></td>
</tr>
</tbody>
</table>

**Subaward Budget Period:**

<table>
<thead>
<tr>
<th>Start:</th>
<th>End:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>

**Estimated Period of Performance:**

<table>
<thead>
<tr>
<th>Start:</th>
<th>End:</th>
</tr>
</thead>
</table>

The subaward amount is as outlined in the budget/payment schedule in Attachment 5.

**Terms and Conditions**

1. PTE hereby awards a fixed rate Subaward, (as determined by 2 CFR 200.331 and Chapter 8 – Administrative Requirements 8.1.2.11), to Subrecipient. The Statement of Work/protocol and budget for this Subaward are as shown in Attachment 5. In its performance of Subaward work, Subrecipient shall be an independent entity and not an employee or agent of PTE.

2. PTE shall provide funding in accordance with the Payment Schedule shown in Attachment 5. All invoices shall be submitted using Subrecipient’s standard invoice, but at a minimum shall include the deliverable completed and milestone payment amount, Subaward number, and certification, as required in 2 CFR 200.415(a). Invoices that do not reference PTE Subaward number shall be returned to Subrecipient. Invoices and questions concerning invoice receipt or payments shall be directed to the appropriate party’s Financial Contact, shown in Attachment 5.

3. Other - See Attachment 5.
Subaward Templates WG

- Template fixes
  - Switched field labels on Unilateral Amendment
• Template fixes
  • Numbering of attachments in Foreign Fixed Rate sample

<table>
<thead>
<tr>
<th>Human Subjects Data (Select One)</th>
<th>Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Subjects Data will be exchanged under this Subaward (check all that apply):</td>
<td></td>
</tr>
<tr>
<td>From Subrecipient to PTE</td>
<td>From PTE to Subrecipient</td>
</tr>
<tr>
<td>The PTE will set forth the terms of the exchange of Human Subjects Data (Select One):</td>
<td>In Attachment 7.</td>
</tr>
</tbody>
</table>

• Auto-sizing vs truncating free text in Amendment and 3A

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FDP Subaward Amendment

<table>
<thead>
<tr>
<th>Awarding Agency</th>
<th>National Institutes of Health (NIH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PTE/Prime Award No.</td>
<td>1R01GM123456-01</td>
</tr>
<tr>
<td>Amendment No</td>
<td>1</td>
</tr>
<tr>
<td>Subaward No</td>
<td></td>
</tr>
</tbody>
</table>

This is what happens when you have a very long submission...
• Foreign Cost Reimbursement Subaward sample
• Attachment 6, Research Subaward Invoice
• Keep as attachment within subaward or maintain as a standalone resource?
FAQ/Guidance Working Group

Co-lead: Cathy Harlan, Nova Southeastern University
Co-lead: Julie Renkas, Northeastern University
• FAQ updates immediately followed Templates WG.
• Version 9 (May 2024) emailed to listserv on 5/21/24.
• Please review and provide feedback.
• Will post final version to website shortly.
• No changes to FDP Foreign Subaward samples.
• Deferred to members to implement the policy.
• A variety of institutional approaches...
• Compliance deadline 3/1/24 (w/ extensions).
• What have we learned since 1/1/24?
• What are you hearing from foreign subrecipients?
• Can FDP help?
Malign Foreign Talent Recruitment Programs

- Addressed in subawards?
- Add to Attachment 1, Certifications and Assurances?
- Elsewhere in subaward?
- Expanded Clearinghouse?
• There is a tendency to treat subawards as procedural rather than analytical.
• Without consideration of prime award-specific T&Cs and how they apply to the Subrecipient.
Order of Precedence

- FDP - avoid conflicting terms in the first place.
- “If there is an instance where extended precedence language is needed, the [FDP] template may not be the correct instrument...”
- PTE can add T&Cs that are more restrictive, but not conflicting.
- Less restrictive T&Cs may conflict and need Order of Precedence.
The DHHS (non-NIH) prime award includes the requirement for **sponsor review before publishing** without that review being time bound, the filing of student dissertations/thesis being exempted, or it being confirmed that the review isn’t for national security, all of which are requirements for [Subrecipient]. The PTE proceeded with the unaltered language based on an email from the Program Officer confirming that prime sponsor review is only for compliance with standard DHHS attribution language.

To meet [Subrecipient’s] requirements, we negotiated in the following language, including order of precedence, to Attachment 2:
Subrecipient shall have the right, at its discretion, to release information, present or to publish any material resulting from the Project. Subrecipient shall provide PTE with a thirty (30) day period in which to review each publication. PTE may request Subrecipient to delay release of such proposed publication for a maximum of an additional sixty (60) days in order to protect intellectual property or PTE provided confidential information described therein. No such delay shall be imposed on the filing of any student thesis or dissertation.

In the event of a conflict, the terms of the subaward supersede the terms of Attachment 5 and Attachment 6.
• The DoD prime award includes a **citizenship restriction**, as their work is not fundamental research. [Subrecipient] is a fundamental research institution only, and has successfully negotiated our scope to fundamental research, and is in the final stages of getting the following added to Attachment 2 which also necessitates including order of precedence language:
PTE expressly acknowledges and agrees that Subrecipient shall conduct the Agreement as “fundamental research” as defined by 15 CFR 734.8 and Department of Defense’s Memo dated 5/24/2010 (hyperlink). Consistent with this determination:

Subrecipient is not subject to the non-U.S. Citizen prior approval provisions of Attachment 6, Section 2. Work Program.

Subrecipient shall have the right, at its discretion, to release information, present or to publish any material resulting from the Project. Subrecipient shall provide PTE with a thirty (30) day period in which to review each publication. PTE may request Subrecipient to delay release of such proposed publication for a maximum of an additional sixty (60) days in order to protect intellectual property or PTE provided confidential information described therein. No such delay shall be imposed on the filing of any student thesis or dissertation.

In the event of a conflict, the terms of the subaward supersede the terms of Attachment 5 and Attachment 6.
NIH referencing Subrecipient’s Audit findings in PTE’s NOA

- “Do not be alarmed.” – NIH
- NIH not moving towards any enforcement action and will contact you for resolution and next steps.

Informational Term – Ongoing review of findings in prior single audit report(s):

NIH is conducting a retrospective review of [redacted] most recent single audit report based on our identification of findings reported in prior single audits. Based on the outcome of this retrospective review, NIH may unilaterally take administrative action to safeguard NIH funds in accordance with the NIH Grants Policy Statement, Section 8.5.1 “Specific or Special Award Conditions-Modification of the Terms of Award.”
Volunteers

• Subawards Subcommittee
  • 23 active participants (including co-chairs and WG leads)
  • Quarterly meetings

• Future Working Groups...
Contact Us

- Subaward and template questions? subawards@thefdp.org
- Website questions? website@thefdp.org