FEDERAL DEMONSTRATION PARTNERSHIP
Redefining the Government & University Research Partnership

Subawards Subcommittee

Co-chair: Kevin Ritchie, Harvard Medical School
Templates WG Co-lead: Beth Kingsley, Yale University
Templates WG Co-lead: Carrie Chesbro, Stanford University

Agenda

- General updates and reminders
- Subaward Templates Working Group updates
- New FDP Subawards Templates and Tools website

Working Groups

- Non-Single Audit Entity Profile (NSAP) Pilot
  - Moving to Expanded Clearinghouse Subcommittee
  - Tyra Darville-Layne (Northwestern)
  - Walker Pheil (Salk Institute)
- As discussed at the May meeting
  - Contracts Subcommittee leading FFRDCs, OTAs, State Law
  - Start with Subcontract Sample when you have an OTA
  - Add state law to Attachment 2 ***if mandated and applicable***

Volunteers

- Volunteers for the standing Subawards Subcommittee
  - Confirming 16 volunteers via FDP website (Thank you!)
  - 5 current co-chairs and working group leads
- Current (active) working groups
  - Templates (full, unless you know Adobe/PDF programming!)
  - FAQ/Guidance (resuming soon)
- Call for 2 new Subawards Subcommittee Co-Chairs

Next steps for Subawards

- Continuing to support FDP Members
  - Working with each other, their own institutions, or auditors
  - Info sheet on FDP, MOU, Operating Guidelines, etc.
  - Not “enforcement” nor “FDP position”
- Work with Data Stewardship Subcommittee
  - NIH DMSP and Attachment 7
- AI and Subawards
  - Working Group, or standing Subawards agenda item?
  - Interested *and skilled* volunteers

NIH Webinar on Subawards

- Join NIH Policy Experts for a Guided Tour of Subaward Agreements — Sections, Requirements, & Key Policies.
- Date: Tuesday, October 17, 2023
- Time: 1:00 – 2:00 PM (Eastern Time Zone)
- Register at https://grants.nih.gov/learning-center/nih-subaward-requirements

NIH *Final Updated* Policy Guidance for Subaward/Consortium Written Agreements

- NIH NOT-OD-23-133 → **NOT-OD-23-182**

- Modifies requirements: "…*subaward agreements must stipulate that foreign subrecipients will provide* ***access to*** *copies of all lab notebooks, all data, and all documentation that supports the research outcomes as described in the progress report, to the primary recipient with a frequency of* ***no less than once per year****, in alignment with the timing requirements for Research Performance Progress Report submission*."

- "*Access to*" is understood that such access may be entirely electronic.
- Section 15.2 of the GPS will be updated effective **January 1, 2024**.
- Grant recipients will need to be in compliance by **March 2, 2024**.
- More from NIH: blog post, subawards page, FAQs
- Does not apply to vendors.

Proposed Changes
Foreign Fixed Amount Template

Mexico City language will be removed.

Protecting Life in Global Health Assistance (Mexico City Policy)

Subrecipient certifies that no funds granted under this Subaward will be used to fund organizations or programs that support or participate in the management of a program of coercive abortion or involuntary sterilization. See the NOA, Attachment 2 of this Subaward and/or Federal Awarding Agency's terms and conditions for further details.

☐ This regulation applies to the Federal Award and is flowed down to Subrecipient.

Proposed Changes
Sample Force Majeure Language

Updating to remove COVID-19 reference.

COVID-19 specific: *The Parties acknowledge that each party has been required to modify its operations due to the Covid-19 pandemic (the "Covid-19 Pandemic"), and that such modifications may limit or restrict both the PTE and / or the subrecipient's ability to perform its obligations under*

this subaward. Each party shall use reasonable efforts to fulfill their respective obligations under the subaward within the timelines set forth herein; provided, however, that, notwithstanding anything to the contrary in this subaward: (i) neither party shall have an obligation to take any action, or refrain from taking any action, which would be contrary to any law, regulation, or guidance issued by any governmental authority or any guidance, process, or procedure of either party relating to the Covid-19 Pandemic; (ii) neither party shall have any liability for any delay or failure to perform under this subaward to the extent attributable to the Covid-19 Pandemic; and (iii) in the event the performance of any obligation set forth in this subaward is delayed as a result of the Covid-19 Pandemic, to the extent practicable, the party responsible for such obligation shall resume performance of such obligation as soon as reasonably practicable and the parties will work together in good faith to adjust any timelines set forth in this subaward in a manner reasonably necessary to accommodate such delay.

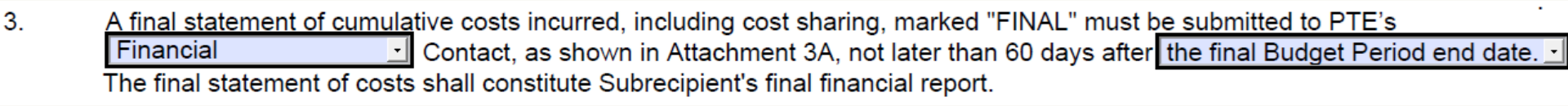
Proposed Changes
Fixed Rate Clinical Trial Template

Adding text box for when select “Not to exceed”

Proposed Changes
All New Subaward Templates, Face Pg

Providing a dropdown with a 45-day option for final invoice deadline.

- Note: Intended for use on lower-tier subawards and awards with shortened final invoice timelines ***only***



Proposed Changes
All New Subaward Templates, Att. 1

Correcting erroneous citations to Uniform Guidance.

Debarment, Suspension, and Other Responsibility Matters (2 CFR 200.214 and 2 CFR 180)
By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.213 and 2 CFR 180.

Audit and Access to Records
Subrecipient certifies that it will provide PTE with notice of any adverse findings which impact this Subaward. Subrecipient certifies compliance with applicable provisions of 2 CFR 200.501-200.521. If Subrecipient is not required to have a Single Audit as defined by 200.501, Awarding Agency requirements, or the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and will provide access to such audits upon request. Subrecipient will provide access to records as required by parts 2 CFR 200.337 and 200.338 as applicable.

Proposed Changes
All New Subaward Templates, Att. 2

Adding clarifying “applicability” language to RTC incorporation

4. Research Terms and Conditions, including any Federal Awarding Agency's Specific Requirements found at:
https://www.nsf.gov/awards/managing/rtc.jsp except for the following :

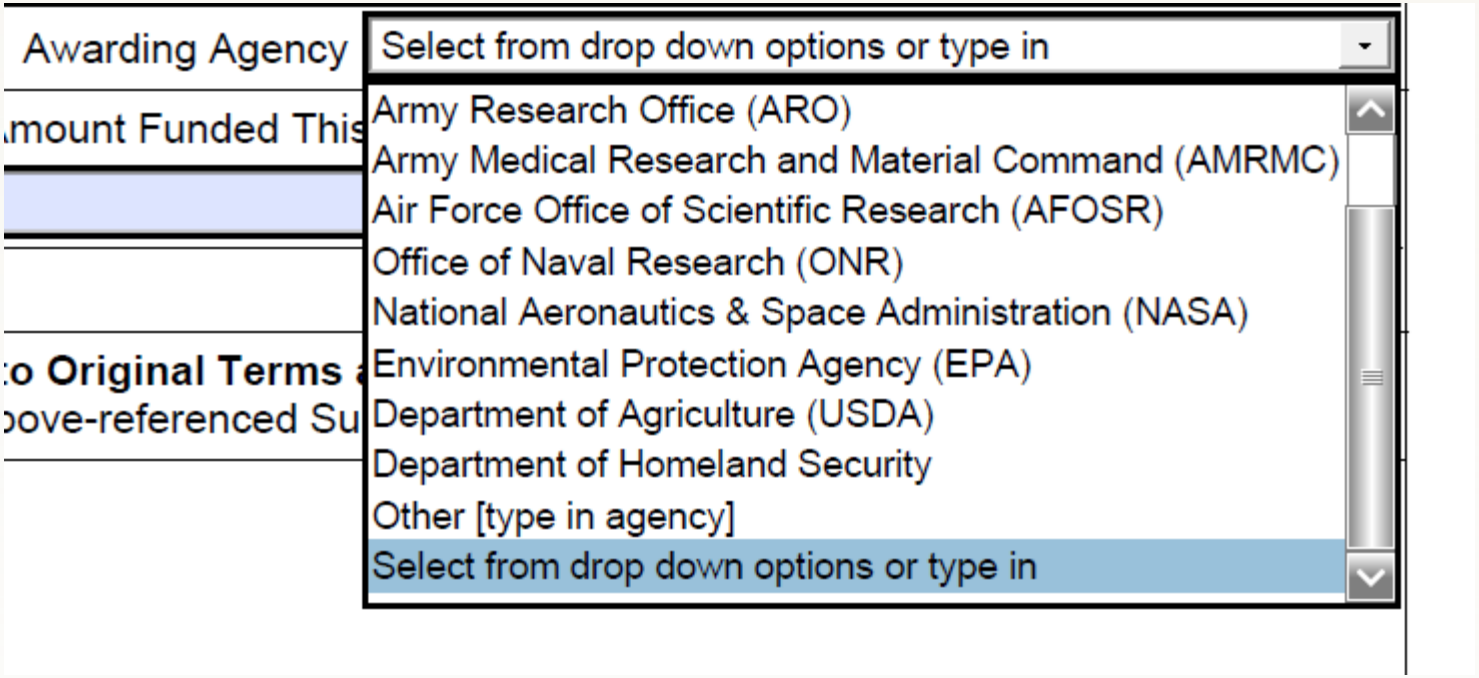
Proposed Changes
Att. 7 DTUA, PII

Correcting “Provider” to “Recipient”

If Recipient becomes aware of any use or disclosure of PII Data not allowed by this Agreement, including if disclosure of PII Data is required by law or court order, Recipient will notify Provider as soon as possible, and in no event later than five (5) business days after its discovery. Recipient will reasonably cooperate with Provider in taking all appropriate or required steps to minimize the impact of any disclosure of PII Data. Provider may have an obligation to make further notifications under applicable state law and shall cooperate with the Provider to the extent necessary to enable Provider to meet all such obligations.

Proposed Changes
All Amendment Templates

Aligning Sponsor dropdown so aligns with New Subaward templates (start at top of list)



Proposed Changes
iEdison references

Ensuring that invention reporting is not limited to “iEdison” only when Federal Awarding Agency has a different process/portal (i.e. NASA).

Proposed Changes Timeline

- Drafts of template and guidance updates available for comment on 12/1/2023.
- Finalized versions available in January 2024.
- Responsive to potential updates for NIH DMS Pilot Project outcomes and/or NOT-OD-23-182 updates.

Larger Projects for Future

- Hybrid billing for CT template
- CT template for non-NIH sponsors
- Continue to analyze usage of unilateral amendments and associated guidance

NIH DSM Update

- Monitoring FDP NIH Data Management and Sharing Pilot
- Recommended use of current cost reimbursable template for DSM plan inclusion
  - Run the template for NIH as sponsor
  - Select “Attached” in the drop-down in the ***Data Sharing and Access*** section of Attachment 2
  - Include plan in Attachment 6 documents section if inclusion was selected in Attachment 2

New FDP Subawards Website

- Stephanie Scott, FDP Communications Committee

Contact Us

- Subaward questions? subawards@thefdp.org
- Template update questions?
  chesbro@stanford.edu AND
  elizabeth.r.kingsley@yale.edu
- Website questions? website@thefdp.org