Course 6

NEGOTIATION AND ACCEPTANCE OF AWARDS

Presenters:

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Betsy Lazarine, Sponsored Projects Officer

May 3, 2023
STAR Program Reminders:

- STAR Certificate consists of 11 courses. To obtain a certificate, you must complete all 11 courses within two (2) years.
- During the pandemic, the two year period may be extended on a case-by-case basis. Please reach out to training@research.ucsb.edu with requests for an exception.
- For any STAR Program questions: contact Hilda Vasquez and/or Clarissa Cabrera at training@research.ucsb.edu
- Zoom Classes will not be recorded for this 2023 series.
- Reminder to complete the STAR Evaluation emailed to registered participants via email used in UCLC.
Lifecycle of a Sponsored Project

Pre-Award

- Agency Review (6-9 mos)
- 1st Budget Period
- 2nd Budget Period
- 3rd Budget Period
- No Cost Extension
- Closeout

Post-Award

- Project Period

Development

- Submit Proposal
- Revised Budget
- Pre-Award Costs
- Technical Report
- Supplement
- Technical Report
- Submit Renewal
- Final Technical

Award Negotiation and Acceptance
Topics to be Discussed:

- The Players and their Roles
- Pre-Award Actions
- Types of Award Instruments
- SPO/TIA Processing of Awards
- Award Negotiations and Terms & Conditions
- Brief discussion of Post-Award Administrative Requirements
The Players & Their Roles within Award Negotiations

Programmatic Players
- Principal Investigator
- Dept. Administrator

Administrative Players
- SPO/TIA Team:
  - Sponsored Projects Officer
  - Sponsored Projects Analyst
  - TIA Officer
  - TIA Analyst

- Contracting Officer/Grants Management Specialist

University Sponsor

Scientific/Program Officer
The Principal Investigator

- Has an idea/plan for research
- Works with dept. admin staff & SPO to submit proposal to agency for funding of research idea/plan
- Responsible for scientific, administrative, and fiscal conduct of the project
- Does not have delegated authority to negotiate award terms and/or accept award on behalf of The Regents
Work closely with PI and SPO Team to:

- Coordinate with SPO Team to provide information/confirmations required to finalize award
- Help PI manage award during life of award
- Keep PI updated on his/her expenditures throughout the life of the award
- Coordinate with SPO Team for any prior approval requirements during life of award
- Help PI with timely close out of award
The Scientific/Program Officer

- Participates in review of proposal submitted for funding

- Recommends project for funding
  (also involves required selection by Sponsor Committee)

- Allocates funds to the project so Contract Officer can process funding to the project

- Often serves as the Technical POC for monitoring the project’s progress
Contract Officer/Grants Management Specialist

- Negotiates terms of the award agreement
- Delegated to commit sponsor funds
- Ensures award conforms to sponsor regulations and any applicable laws
- Reviews & authorizes post-award changes that require prior approval
- Issues award amendments, if applicable
Your SPO Team!

*Sponsored Projects Officer/TIA Officer, and Analyst:*

https://www.research.ucsb.edu/sponsored-projects-teams

- Ensures award terms comply with Univ. policy & sponsor’s requirements
- Works closely with the dept. administrator, the PI, and sponsor Contracting Officer
- Checks for compliance issues within the project being funded
- Delegated to review, negotiate and execute awards on behalf of The Regents
- Reviews and endorses requests for pre & post award actions requiring prior approval
I have a plan of research and need to submit a proposal for extramural funding of the project

- PI
- Dept. Admin
- SPO Officer
- Program Officer, depending on sponsor

I am ultimately responsible for the scientific, administrative, and fiscal conduct of the project.

- PI

I do have delegation to negotiate awards

- SPO Officer
- TIA Officer
- SPO Analyst, if FDP/RTC/UG
- Sponsor Contracting Officer
Types of Pre-Award Actions:

Denials and Withdrawals

Revised Budgets

Requests for Approval to Spend Funds (RAS)

Pre-Award Costs Authorization
Proposal Denials and Withdrawals

Withdrawal:
PI decides to remove proposal from consideration (must be done via SPO)

Denial:
Sponsor decides not to fund proposal (SPO needs to know)
Revised Budgets
(different than a Request to Rebudget)

- Usually at the request of the sponsor
- May require a change in scope
- Must be reviewed, approved, and endorsed by Sponsored Projects!!!
Purpose: To allow expenditure to begin prior to receipt of award but within sponsor-awarded period (no change of begin date)

- Provides advance funding (cash) within period of award
- Establishes account/fund
- Approval comes from UCSB
- Request *must* be underwritten by Chair/Dean
- Requires specific form (available on OR website)
Pre-Award Costs Authorization

- Purpose: To allow expenditure prior to the sponsor-awarded period start date of project (changes begin date of project)
- Does *not* establish account/fund
- Must be specifically allowable under award terms
- E-mail or memo to SPO is sufficient for request
Types of Award Instruments:
https://live-research-ucsb-edu-v01.pantheonsite.io/spo/award/research-related-agreements

GRANT
COOPERATIVE AGREEMENT
CONTRACT
OTHER TRANSACTION AGREEMENT (OTA)
GIFT
GRANT

- Project details are defined by the PI

- A type of financial assistance award in which the sponsor anticipates no substantial programmatic involvement with the recipient during the performance of the activities.
COOPERATIVE AGREEMENT

- Project idea details are often developed jointly between the sponsor and the PI.

- Sponsor anticipates having substantial involvement in research activities.
Project idea typically originates with the Sponsor

A procurement award, the sponsor has more involvement and uses the project to achieve a specific outcome.

May be fixed price or cost-reimbursement
Types of Contract:

**Fixed price:**
the price for project is set and invariable, regardless of the costs of production.

**Cost-reimbursement:**
the allowable and reasonable costs incurred by contractor during performance of work are invoiced/reimbursed according to the terms of the contract.
Other Transaction Agreement (OTA)

- This is a specific federal designation.

- It is **not** subject to the statutes or regulations whose applicability is limited to grants, cooperative agreements, and contracts.

- An uncommon type of award for the University.
GIFT

- A type of financial assistance in which the sponsor has no programmatic involvement with the recipient

- PI/Institution is given funds for general performance of the activities/type of research (unrestricted)

- No commitment of resources/services

- NO strings attached

- Possible: reporting – would ONLY be courteous
Results are not Guaranteed

This type of funding is NOT processed through OR/SPO

Sponsor has substantial involvement

Sponsor issues terms of award to achieve a specific outcome and as fixed price or cost reimbursement

• ALL – Note the University CANNOT guarantee research results

• Gift Funding

• Cooperative Agreement – when project idea was jointly developed
  • Contract – some elements of scope of work may be determined in collaboration b/w Sponsor and PI

• Contract
ONCE THE AWARD IS OFFICIALLY ISSUED:

SPO/TIA Team

Processing of Awards via ORBiT
SPO/TIA Team - Award Processing

- **General Processing Timeframe** = 2 weeks

- Award received
  *(If by Dept. / PI then must forward to SPO Team)*

- Award is matched up with existing proposal/award file

- Award routed to TIA
  *(if Industry/Industry Flow-through funding)*

- Award is logged in to ORBiT
# Roles in SPO Award Processing

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<tr>
<th>Analyst</th>
<th>Officer</th>
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| Ensures applicable compliance approvals in place  
  • Conflict of interest  
  • Human/animal subjects; stem cell use  
  • Environmental Health & Safety |
| Enters initial input in ORBiT  
  Forwards file to officer for further review of terms and conditions  
  Note: For direct UG/RTC awards the analyst serves as officer processing awarded funds |
| Reviews terms and conditions  
  Initiates negotiation with sponsor  
  Coordinates acceptability of terms with department/PI (if needed)  
  **Delegated to sign/accept finalized award**  
  Issues award synopsis through ORBiT |
SPO Award Processing

- Routes award to EMF for processing
  Tip: Use ORBiT “Where Is It?” field for status on processing

- Award released to EMF for review, setup, and release to campus administering department
  Tip: Use Accounting Queue for status on processing
See HANDOUTS:

Award Synopsis

ORBiT Award Condition Codes

Located under the ‘Help’ tab in ORBIT
Award Negotiations
When do we need to negotiate?

- At proposal submission:
  - Published Guidelines
  - Request for Proposal (RFP)/ Request for Quote (RFQ)
- Upon receipt of award
- Post-award
Terms that may require negotiation

- Indemnification/Liability Clauses
- Publication/Dissemination of research results
Terms that may require negotiation

- Statement of Work/Deliverables
- Reporting Requirements (Technical and Financial)
- Period of Performance
Applicable Policies and Provisions

- Uniform Guidance (OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200)
- Research Terms and Conditions
- FAR/DFAR/DEAR
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<th>Code</th>
<th>Category</th>
<th>Description</th>
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<td>19</td>
<td>General Terms and Conditions</td>
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<td>20</td>
<td>General Terms and Conditions</td>
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<td>Equipment Issues</td>
<td>Title to equipment vests in: University.</td>
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<td>62</td>
<td>Reporting Requirements</td>
<td>Annual Technical Report/Continuation Request due 90 days prior to anniversary date.</td>
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<td>71</td>
<td>SPONSOR SPECIFIC TERMS &amp; CONDITIONS</td>
<td>This award includes federal or federal flow-through funding. Any change in the PI(s) or Senior/Key Personnel specified on the notice of award, including a 25% or more reduction in time devoted to the project, requires prior approval from the sponsor in accordance with the award or sponsor's general terms and conditions. If different, note in remarks.</td>
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<tr>
<td>72</td>
<td>SPONSOR SPECIFIC TERMS &amp; CONDITIONS</td>
<td>This award includes NSF or NSF flow-through funding and is subject to the NSF Notification Requirements Regarding Findings of Sexual Harassment, Other forms of Harassment, or Sexual Assault. UCSB's harassment policies must be disseminated to attendees at NSF-sponsored conferences prior to attendance and must be made available at the conference. A list of UCSB's harassment policies and resources for dissemination to attendees can be found here: <a href="https://www.research.ucsb.edu/nsf-sexual-harassment-policy">https://www.research.ucsb.edu/nsf-sexual-harassment-policy</a>.</td>
</tr>
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<td>91</td>
<td>Other Award Requirements</td>
<td>This award is subject to the University Policy on Disclosure of Financial Interests Related to Sponsored Projects. As a reminder, if an Investigator’s financial interests change, in relation to this project, an updated disclosure must be submitted through O.R.’s Conflict of Interest disclosure system – ORCOI at <a href="https://ucsb.coi-smart.com">https://ucsb.coi-smart.com</a>.</td>
</tr>
<tr>
<td>94</td>
<td>Other Award Requirements</td>
<td>This award is subject to Responsible Conduct of Research (aka RCR) requirements.</td>
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**AWARD REMARKS:**
This award is subject to the provisions of NSF 15-596, Long-Term Ecological Research (LTER) Renewal.

F.L. 26, "Administration of NSF Conference or Group Travel Award Grant Special Conditions," dated January 25, 2016 are applicable.

Funds provided by this award include support for "Research Experiences for Undergraduates" in accordance with the NSF program solicitation NSF 13-542.
Applicable Policies and Provisions

- Uniform Guidance
  - Covered in Course 2 (Costing Principles and Cost Accounting Standards)
  - Is an authoritative set of rules and requirements for federal awards that synthesizes and supersedes guidance from earlier OMB circulars.
  - [http://www.bfs.ucsb.edu/omb/omb-uniform-guidance](http://www.bfs.ucsb.edu/omb/omb-uniform-guidance)
  - [http://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5)
Applicable Policies and Provisions

- Research Terms and Conditions (RTC)
  - History:
    - Federal Demonstration Partnership (FDP): An assembly of universities and federal agencies that meet regularly to find ways to reduce the amount of administrative requirements for conducting federally-sponsored projects
    - All UC campuses are member institutions
Applicable Policies and Provisions

- Research Terms and Conditions (continued)
  - A standard set of terms and conditions for federal research grants and cooperative agreements that implements a streamlined version of the UG (with fewer prior approval requirements)
  - RTCs are largely based on the terms and conditions that have been utilized for a number of years by the FDP
Applicable Policies and Provisions

- Federal agencies using RTCs:
  - NIH
  - NSF
  - DOE
  - USDA/NIFA
  - NASA
  - Dept. of Commerce (including NOAA)
  - Dept. of Homeland Security
  - EPA

Note: DoD agencies are not participating in the latest RTC, but they have general terms that serve the same purpose.
Applicable Policies and Provisions

- Federal Acquisition Regulations (FAR) (48 CFR Parts 1–9999)
  - Government procurement (contract) requirements
  - Federal agencies have their own variations of FAR Clauses
    - Defense Federal Acquisition Regulations (DFAR)
    - Department of Energy Acquisition Regulations (DEAR)
### Section I - Contract Clauses

#### CLAUSES INCORPORATED BY REFERENCE

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<th>Clause Reference</th>
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<td>52.202-1</td>
<td>Definitions</td>
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<td>52.203-3</td>
<td>Gratuities</td>
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<td>52.203-5</td>
<td>Covenant Against Contingent Fees</td>
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<td>52.203-6</td>
<td>Restrictions On Subcontractor Sales To The Government</td>
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<td>Anti-Kickback Procedures</td>
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<td>52.203-8</td>
<td>Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity</td>
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<td>52.203-10</td>
<td>Price Or Fee Adjustment For Illegal Or Improper Activity</td>
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<td>52.203-12</td>
<td>Limitation On Payments To Influence Certain Federal Transactions</td>
<td>OCT 2010</td>
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<td>52.203-17</td>
<td>Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights</td>
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<td>52.203-19</td>
<td>Prohibition on Requiring Certain Internal Confidentiality or Statements</td>
<td>JAN 2017</td>
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<td>52.204-4</td>
<td>Printed or Copied Double-Sided on Postconsumer Fiber Content Paper</td>
<td>MAY 2011</td>
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<td>52.204-7</td>
<td>System for Award Management</td>
<td>OCT 2018</td>
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<td>52.204-10</td>
<td>Reporting Executive Compensation and First-Tier Subcontract Awards</td>
<td>OCT 2018</td>
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<td>52.204-13</td>
<td>System for Award Management Maintenance</td>
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<td>52.204-19</td>
<td>Incorporation by Reference of Representations and Certifications.</td>
<td>DEC 2014</td>
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<td>52.204-21</td>
<td>Basic Safeguarding of Covered Contractor Information Systems</td>
<td>JUN 2016</td>
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<td>52.204-23</td>
<td>Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities</td>
<td>JUL 2018</td>
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<td>52.209-6</td>
<td>Protecting the Government’s Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment</td>
<td>OCT 2015</td>
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<td>52.209-9</td>
<td>Updates of Publicly Available Information Regarding Responsibility Matters</td>
<td>OCT 2018</td>
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<td>52.215-8</td>
<td>Order of Precedence—Uniform Contract Format</td>
<td>OCT 1997</td>
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<td>52.215-14 Alt I</td>
<td>Integrity of Unit Prices (Oct 2010) - Alternate I</td>
<td>OCT 1997</td>
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<td>52.215-15</td>
<td>Pension Adjustments and Asset Reversions</td>
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<td>52.215-17</td>
<td>Waiver of Facilities Capital Cost of Money</td>
<td>OCT 1997</td>
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<td>52.215-18</td>
<td>Reversion or Adjustment of Plans for Postretirement Benefits (FRB) Other than Pensions</td>
<td>JUL 2005</td>
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<td>52.215-21</td>
<td>Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data -- Modifications</td>
<td>OCT 2010</td>
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<td>52.216-7</td>
<td>Allowable Cost And Payment</td>
<td>AUG 2018</td>
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<td>52.216-11 Alt I</td>
<td>Cost Contract—No Fee (Apr 1984) Alternate I</td>
<td>APR 1984</td>
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<td>52.216-15</td>
<td>Predetermined Indirect Cost Rates</td>
<td>APR 1998</td>
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<td>52.217-9</td>
<td>Option To Extend The Term Of The Contract</td>
<td>MAR 2000</td>
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<td>52.219-8</td>
<td>Utilization of Small Business Concerns</td>
<td>OCT 2018</td>
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<td>52.219-16</td>
<td>Liquidated Damages-Subcontracting Plan</td>
<td>JAN 1999</td>
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<td>52.223-3</td>
<td>Convict Labor</td>
<td>JUN 2003</td>
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<td>52.222-21</td>
<td>Prohibition Of Segregated Facilities</td>
<td>APR 2015</td>
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<tr>
<td>52.222-26</td>
<td>Equal Opportunity</td>
<td>SEP 2016</td>
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Post Award Administrative Actions 
Requiring Prior Approval and/or 
Institutional Endorsement

SPO/TIA Team help to review & endorse these actions:

- Rebudgeting
- No cost extension
- Issuing Subaward and/or approval to add
- Significant changes in scope/key personnel
- Equipment purchases
- Travel
- Carry forward of funds

For all of these post-award actions the department must submit a Desk Action in ORBiT.
THANK YOU

PLEASE COMPLETE EVALUATION