Welcome & Congrats!

• Ana Hinman – Negotiation Team
• Jinger Snyder – Awards Team, School of Medicine departments
• David Zachgo – Awards Team, School of Medicine departments
AB20

Model Agreement

Campus Briefing

For OR Forum

January 27, 2016
In January 2010, Assembly Bill 20 (AB20) became effective. It required the State Department of General Services (DGS) to negotiate model contract terms for use by State agencies funding research, training or public service projects done by campuses of the UC and CSU systems.

On November 2, 2015, the implementing MOU for the AB20 model agreement was executed by the three parties with an implementation date of January 1, 2016.
AB20: A New Relationship

- Use of the model agreement is predicated on a different working relationship with the State
  - Campuses will provide complete proposals to the State prior to award
  - Proposals will be reviewed in advance by university sponsored projects offices
  - Proposal will contain more detail upfront, allowing for less detail to be required later, for example, with each invoice
Known Agreements that are not AB20 Compatible

- CIRM Agreements
- CEC - PIER/EPIC Agreements
- California Marketing Boards
For all other State awards:

- New AB20 model agreement applies to all new agreements (except those mentioned on previous slide) between state agencies and UC campuses effective January 1, 2016

  - A new contract is defined as the award of funds, not previously budgeted or appropriated, by an Agency to UC

  - Existing awards will be administered under the original terms
**The Implementing MOU**

- brief (2 pages + attachments)
- defines the relationship of the parties (CSU, UC, & DGS) and future interaction
- outlines how and when the agreement and terms will be used
- not necessary for academic departments to review

*The Agreement Template (next slide)*
AB20 Structure

The Agreement Template

- **Standard form 213**: this form covers most State agreements
- **Exhibits A - A7**: Scope of Work & attendant detail exhibits
- **Exhibits B - B2**: the Budget & Justification

*(Exhibits A & B will have been submitted as part of the proposal)*

- **Exhibit C**: general T&Cs (UTC-116) incorporated by reference (replaces former GIA-610)

Continued...
AB20 Structure

The Agreement Template

- **Exhibit D**: Addt’l requirements associated with funding sources (to be used if the award is a pass-through from other funding that the State agency has received.)

- **Exhibit E**: Special Conditions for Security of Confidential Information (to be used if addt’l legal/regulatory req’ts regarding the security of certain kinds of info are needed)

- **Exhibit F**: Access to State Facilities or Computing Systems (to be used if access to the State’s facilities or computer systems is anticipated, and if such access has specified requirements)

- **Exhibit G**: Negotiated Alternate UTC Terms (patent provision, or mutually agreeable change to UTC-116)
To assist with the completion of the exhibits and compliance with the UTC-116 T&Cs, UCOP and CSU developed the State and University Proposal & Administration Manual (SUPAM)

- Analogous to an RFP and award guidelines. Contains instructions for completing proposal and administering award.

- Living document. Will evolve over time.
The Office of Research Sponsored Programs office at UC Davis supports campus researchers and their staff with extramural funding transactions. This office is responsible for the effective and timely handling of all research proposals, as well as preparing, interpreting, negotiating, and accepting awards/agreements on behalf of the Regents for projects with federal and state agencies, foundations, and other public and private sources. The office is also responsible for negotiating, and executing awards and subawards for collaborative research. Dedicated analysts within the Sponsored Programs office carry out these duties. Each analyst is part of a team (led by a Contracts and Grants Officer) and focuses on either proposals or awards/subcontracts for a set of schools and/or colleges. To ensure a depth of knowledge across the department, analysts are required to cross-train in both proposals and awards/subcontracts.

Quick Links

- **Forms**
- **Training**
- **Indirect Costs (F&A)**
- **Model Contract Language for Contracts with State of California agencies**
- **Common Proposal Components**
- **Submitting Your Proposal**
- **Award Processing**
- **Subawards**
• http://www.dgs.ca.gov/ols/Resources/ModelContractLanguageUniversities.aspx

Model Contract Language for Contracts with the University of California and the California State Universities

The Department of General Services (DGS) has reached agreement on a set of model contract terms with the University of California and the California State Universities pursuant to Education Code section 67325, et. seq.

Please be advised that:

- Departments should consult with your legal counsel to determine if the model terms are appropriate for the type of contracting you are doing. Some of the Exhibits or provisions in the Exhibits may not be appropriate in all cases or may need to be modified to suit the needs of your particular contract. The model terms were developed to meet the needs of most State contracts, but they may not adequately address laws or issues unique to your department.

If you have questions about a particular contract, please contact your assigned OLS attorney.
What you will find at the DGS link...


LINKS:

- The University Model Agreement-Alternative Liability Clause for California State University auxiliary organizations.

- Model Agreement Memorandum of Understanding Between the Department of General Services and the University of California and the California State University.

- The University Model Agreement
  - Model Agreement Template with Exhibits
  - Patent Rights

- UTC-116 - University Terms & Conditions - Exhibit “C” for University of California and California State University Agreements. - Effective January 1, 2016
Indirect Cost

• All UC and CSU campuses will implement the same rate structure and process (shared with the State in 2012)

• 25% MTDC* for administrative costs for ALL projects

• For on-campus projects an additional facilities charge escalating up to 15% over 4 years will be added

  • as of 1/1/2016, on-campus facility cost will be 0%

  • on July 1, 2017 the facility cost will be 5% and increase 5% each year for the next two fiscal years (with the last increase July 1, 2019 to 15% for the FY2019/20)

* Modified Total Direct Cost as defined in the federally negotiated F&A rate agreement
## Indirect Cost

In table format:

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<th>Facilities</th>
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<th>Total Rate</th>
<th>Base</th>
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<td>25%</td>
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*Modified Total Direct Cost as defined in the federally negotiated F&A rate agreement*
The proposed indirect cost rate will remain in effect for the life of the project.

Similar to the implementation of the AB20 model agreement, an amendment with additional money and time is the same as a new agreement.

In this case, a new budget with the appropriate indirect cost rate in effect at that time will be provided to the State agency.
Resources

- SUPAM
- SPO website
  - Look for link to “Model Contract Language for Contracts with State of California agencies” at research.ucdavis.edu
  - contains links to AB20 proposal packet forms
- Your SPO Team
QUESTIONS?
NASA Restriction on funding activities with China
Since federal fiscal year 2011, the continuing appropriations acts that fund NASA have instituted what is commonly referred to as the “NASA Restrictions on Funding Activity with the Peoples Republic of China (PRC).”

This restriction prohibits NASA from engaging in or funding any joint scientific activity with China.

UCOP provided guidance to the UC campuses
NASA Restriction on funding activities with China

• If RFP or award contains the NASA Restriction on Funding Activity with China, then UC will not be able to collaborate or coordinate bilaterally with China (including Chinese Universities) or a Chinese-owned Company.

• At the proposal phase, SPO will request that the PI complete a questionnaire on their own behalf and on behalf of all other UC participants performing part of the NASA grant scope of work to help determine whether anyone has an affiliation with China that would preclude their participation (whether funded or unfunded or on-campus or remote).
NASA Restriction on funding activities with China

• In addition to the questionnaire, the PI will be asked to sign a certification attesting that bilateral participation, collaboration, or coordination with China, whether funded or unfunded, will not be performed as part of their NASA-funded award.

• The NASA restriction may affect potential subawardee recipients.
NASA Restriction on funding activities with China

- Applies equally whether UC receives NASA funding directly, or through a pass-through entity (example: JPL)
- More information at SPO website or ask your SPO analyst.