Sponsored Program Essentials – Part 2: Post Award
Introductions

• We are....
  o Brian Russ, Award Team Leader
  o Paula Noble, Negotiation and Subaward Team Leader
  o Kelly Musselman, Award Analyst
  o Kassie Obelleiro, Training Officer
  o Terry Duperron, Closeout Analyst

• Who are you?
  o Name and department
  o What do you hope to learn today?
Today’s Handouts

• Today’s Presentation
• UC Davis Contracting Offices
• Award Review Checklist
• Sponsored Programs Useful Links
Learning Objectives
After today’s class you should:

• Have a basic understanding of the **SPO award team functions**

• Know who to submit what documents to for **signature**

• Understand potential “**show stoppers**” for award acceptance

• Know how to **request a subaward** post-award

• Have a basic knowledge of the **Research Performance Progress Report and award Closeout** process
Class Outline

• Sponsored Programs (SPO) Award Team Overview
• Who on campus signs what?
• Awards – Essentials & Best Practices
• Post-Award Essentials & Best Practices
• Resources
Common Acronyms

• BAA: Broad Agency Announcement
• BUA: Biological Use Approval
• CGA: Contracts and Grants Accounting
• COI: Conflict of Interest
• F&A: Facilities & Administrative rates; also referred to as indirect cost rate (IDC or ICR) or “overhead”
• FOA: Funding Opportunity Announcement
• IACUC: Institutional Animal Care and Use Committee
• IP: Intellectual Property
• IRB: Institutional Review Board
• PI: Principal Investigator

• RCI: Research Compliance and Integrity
• RCR: Responsible Conduct of Research
• RFA: Request for Applications
• RFP: Request for Proposals
• SBIR: Small Business Innovation Research
• SPO: Sponsored Programs unit in the Office of Research
• STTR: Small Business Technology Transfer
SPO Award Team Overview

- How are we organized?
- What do we do?
Award Team Responsibilities

• Review research agreements **term and conditions** for:
  o Open dissemination of research results and information;
  o Commitment to students;
  o Accessibility for research purposes;
  o Public benefit;
  o Informed participation;
  o Legal integrity and consistency;
  o Fair consideration for university research results; and
  o Objective decision-making

• Interacts with **campus counsel, UCOP, Risk Management, InnovationAccess**, etc. when necessary

• Review project files for all **compliance items**

Relevant Institutional Policies

• UC Davis Policy: PPM 230-01
• UCOP C&G handbook
Who Signs What?

• What about Consulting Agreements?
• What if a researcher receives a gift? How do I determine if an award is a Gift or Grant?
Who Can Sign this Document?

• Several offices at UC Davis have signature authority, including:
  o Sponsored Programs
  o InnovationAccess
  o Graduate Studies
  o Development
  o Campus Contracting Services
  o Design & Construction Management
  o Development
  o Health System Contracts
  o UCDHS Material Management
  o Others (i.e., Campus Counsel)

It depends on the nature of the agreement.
Who Signs What?

Sponsored Programs

• Proposals for extramural (outside) funding (except for pre-proposals that do not require an institutional signature)
• Extramural awards for research, training and public service (including those from federal, state, non-profit and for-profit sponsors)
• Subawards
• Service agreements (if no approved rate)
• Confidentiality agreements in anticipation of research funding
• Teaming agreements in anticipation of proposal submissions

InnovationAccess

• Licenses to patent rights & UC copyrights* (but not UC trademarks, logos**)
• Material transfer agreements
• Data use agreements
• Confidentiality agreements covering discussions about UC intellectual property
• Proprietary software licenses (not “off-the-shelf” software purchases)
• Beta-test agreements

* purchasing published/copyrighted materials, including periodicals and electronic media, is done through Campus Contracting Services.
** UC Davis Trademark Licensing manages UC trademarks, name & logos
Who Signs What?

Graduate Studies

• External graduate student fellowship applications and awards
• External postdoctoral scholar grants and fellowships

Campus Contracting Services

• Purchase orders and agreements
• Business contracts (expense, no-cost and revenue)
• Equipment loans
• Small business subcontracting plans

Except for UCDHS

Development

• Gift agreements
• Acceptance of donations

Design & Construction Management

• Major infrastructure, building and renovation projects
• Real Estate Services:
  o Off-campus leasing
  o Faculty home loans
  o Property management services

Except for UCDHS
Who Signs What?  Health System Contracts

Clinical Trials
• Industry funded clinical trial agreements for the health system

Health Affairs Contracts
• Non-research service agreements
• Non-research independent consultant agreements
• Non-research independent contractor agreements for professional services
• Affiliation agreements
• Training agreements
• Facility transfer agreements
• Intergovernmental Personnel Act (IPA) agreements
• Expert witness agreements when primary to course and scope of faculty appointment
• Facility use agreements and permits of less than one year in duration
• Data Use Agreements involving the disclosure of patient health information
• Confidential Disclosure Agreements

Health Plan Contracts
• Managed care contracts
• Healthcare payer contracts

Sponsored Programs
Who Signs What?

UCDHS Material Management

• Acquires goods and services for the health system*

*Non-medical, professional independent contractor agreements for SOM departments are processed through Campus Purchasing utilizing a DAFIS purchase requisition
Activity 1: Who Signs What?

1. A principal investigator (PI) from your department asks you to complete and obtain the necessary signatures on the Data Sheet for her proposal to the National Institutes of Health (NIH) RFA entitled, “NIH Director's Early Independence Awards (DP5)”. 

After completing the Data Sheet, whom do you route it to for signature?
Activity 1: Who Signs What?

2. A principal investigator (PI) from your department has received an award from an industry sponsor to conduct a clinical trial on a new pharmaceutical. The award terms and conditions, include that the PI must sign an agreement that he will keep the research observations and results confidential until they are published.

*May the PI sign this agreement? If not, which office should?*
Activity 1: Who Signs What?

3. A researcher in your department has been approached by a researcher at Harvard University that would like to conduct experiments on a new non-biologic material she has developed in her laboratory. She understands that a Material Transfer Agreement (MTA) is needed, but she asks you which office she needs to work with to get the appropriate approval/signature. 

Once the MTA request has been completed, which office does it need to be submitted it to for signature?
# Contact Information

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<th>Sponsored Programs</th>
<th>Phone: (530) 754-7700</th>
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<tr>
<td></td>
<td>Email: <a href="mailto:proposals@ucdavis.edu">proposals@ucdavis.edu</a></td>
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<td>InnovationAccess</td>
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<td>Campus Contracting Service</td>
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<td>Small business subcontracting plans: Wayne Boney, 754-1347, <a href="mailto:wboney@ucdavis.edu">wboney@ucdavis.edu</a></td>
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<td>Graduate Studies</td>
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<td>Development</td>
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<th>UCDHS Material Management</th>
<th>Front Desk: (916) 734-2475 Facsimile: (916) 734-7791</th>
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Note About Campus Contracting

Coordinate with other offices in advance:

- Need vendor/subcontract? Talk to Campus Contracting Services

- Portion of award include construction requiring a public bid? Talk to Design and Construction Management early!
Can Researchers Sign Consulting Agreements?

• Typically – Yes if the consulting activities are outside of their UC scope of work.

• Before engaging in outside consulting activities, researcher should:
  o Check with their Chair or Dean prior to engaging
  o Review UCOP’s “Guidance for Faculty and other Academic Employees on Issues related to Intellectual Property and Consulting”

• It is recommended that they have outside legal counsel review to avoid any conflict of obligations. (Example: UC Patent Policy)
THE CONSULTING AGREEMENT CHRONICLES

2010: “UC Regents sue UC professor for engaging in non-UC work”

2014:

“University Regents sue...” The UC Board of Regents has filed a $1 million lawsuit against a UC professor, for allegedly failing to contribute to a university-sponsored profit-sharing plan that would benefit research and other projects at the school...”
What About Gifts?

• Determine if it is truly a gift. Should it be classified as a gift or grant?

• Reference 1980 UCOP policy: List of characteristics generally found in GIFTS and those generally found in GRANTS.
  
  o Don’t base decisions upon the presence or absence of a single characteristic or criterion.
  o Do look at the award as a whole in order to make a judgment as to its proper classification.
  o SPO analysts are able to assist with this determination.
Quick Guide to Gift/Grant Determination

In general, classify funds as GIFTS when the following characteristics exist:

- No contractual requirements;
- No quid pro quo;
- No audit requirements;
- No obligation to return unspent funds;
- No intellectual property rights to donor;
- No obligation for reports (reports not tied to payments);
- However, stewardship progress reports okay
- Qualifies for tax treatment as charitable contribution by donor

In general, classify funds as GRANTS when the following characteristics exist:

- Provision for audits;
- Grantor receives consideration (can be detailed technical/expenditure reports);
- Involves testing of proprietary products;
- Research is directed to satisfying specific grantor requirements (e.g., precise scope of work specified rather than a general area of research);
- Specified period of performance or termination at discretion of grantor;
- Unexpended funds returned to grantor;
- Patent/IP rights requested by grantor.

Determination can only reliably be made upon reading the award document!
Authority to Accept Awards on Behalf of The Regents of the University of California

Sponsored Programs is the authorized institutional representative for accepting, on behalf of the Regents, extramural funds supporting research at the University of California.

- SPO reviews T&Cs for appropriateness for an institution of higher education;
- When necessary, SPO interacts with campus counsel, UCOP, Risk Management, InnovationAccess, etc.

Policy references:
UC Davis Policy reference: PPM 230-01
UCOP C&G handbook: “All contract or grant awards from extramural sponsors, from UC campuses, or from UC-managed DOE laboratories, for research, training, or public service projects to any [University of California] unit must be approved and accepted by the Research Administration Office.”
Awards: Essentials & Best Practices

What inhibits speedy award processing?

- Incorrect Indirect Cost rate
- Missing required documents
- Terms in conflict with the Principles Regarding Rights to Future Research
- “After the Fact” Awards
Incorrect IDC Rates Delay Award Processing

- Indirect Cost (IDC) rate – aka “Overhead”, “Facilities & Administrative (F&A) rates”
- Rates are negotiated with the federal government
  - A reimbursement mechanism based on incurred costs that was documented to and agreed upon by the government
  - When indirect costs of a project are not recovered from a project’s sponsors, the University must subsidize these costs from other funding sources.
Indirect Cost Recap

Indirect costs do not fully reimburse the University’s expenses.

Three reasons:

1. **The F&A rate is the result of a negotiation** in which UC documents its costs and proposes a rate, and the government proposes a lower rate. Typically, the agreed-upon rate is somewhere in the middle which means some documented costs are not covered.

2. **Federally negotiated rates contain restrictions** which limit indirect cost recovery for legitimate costs.
   - Ex. Administrative costs capped at 26% since 1991, despite increasing administrative, compliance and reporting requirements that have been added year after year.

3. **Project and Sponsor-specific waivers.** The amount of funds required to subsidize IDC limitations is estimated by the UCOP Office of Research and Graduate Studies (ORGS) to be as much as **$356 million per year** across the UC system.
Indirect Cost Recap

• UC Davis’ IDC rates are **consistent with comparable institutions**.

  Federally negotiated indirect cost rates for on-campus research (MTDC)*

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* 2017 data

• Incorrect IDC rates in research budgets delay proposal submissions, award processing, and research initiation.
## UC Facilities and Administrative (F&A, Indirect) Cost Rates
### Recent History of Negotiated Organized Research On-Campus Rates

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**(1)** The next F&A rate proposal scheduled for submission to the U.S. Department of Health and Human Services, Cost Allocation Services (DHHS-CAS).

**(2)** Weighted average rates are weighted by campus based on the actual total annual indirect costs recovered from federal awards.

Italicics and coloring indicate rates resulting from the latest round of rate proposal submissions and negotiations.

All rates shown are “Predetermined” and convert to “Provisional” rates for periods beyond the agreement period until new rates are negotiated.
Indirect Cost Recap

- For all UC and CSU campuses, the approved indirect cost rate on State-funded agreements is 25% MTDC.

  - The minimum UC rate for State awards is currently 25% MTDC, regardless of whether the performance of the project will take place on or off campus. Over the next several years, this rate will increase as follows:

    | Date Range           | Rate |
    |----------------------|------|
    | Now – 6/30/2017      | 25%  |
    | 7/1/2017 – 6/30/2018 | 30%  |
    | 7/1/2018 – 6/30/2019 | 35%  |
    | 7/1/2019 – 6/30/2020 | 40%  |

  - These rates do not apply when the state is acting as a pass-through entity of federal funds. The appropriate UC federally negotiated F&A Rate will apply to State agency awards made with federal funding. Please see 2 CFR § 200.414 and 2 CFR § 200.331.

  - For State awards, the rate in effect for the first year of a multi-year project will be the rate used for the entire project in proposed and awarded budgets. If additional funds (not previously appropriated or budgeted) are awarded by a State agency; the proposed budget for these additional funds would use the UC-approved state rate in effect at the time the new budget request is submitted.

- Incorrect IDC rates in research budgets delay proposal submissions, award processing, and research initiation.
Missing Required Documents: Data Sheet

The Department Chair’s Signature

• Commits departmental resources to the project

Department Chairs are authorized to commit departmental resources.

When SPO submits a proposal, or signs an award, those resources are committed to the sponsor.

The PI’s Signature

• Certifies responsibility for all aspects of the design, conduct and reporting, required by federal & state law and university policy.

Read the certifications included on the data sheet.

References: Data Sheet & Guide to Research Compliance
Missing Required Documents: Financial Conflict of Interest Paperwork

• **Form 700U** - Required for awards from any non-governmental entity not listed on the exempt list.
  o Why? 700U’s are required by the State of California
  o When? 700U’s must be signed at award acceptance (*We interpret this to mean no more than 30 days before award acceptance.*)
  o 700U’s… now paperless (as of April 17th)

• **Form 800** – Required for awards from:
  o National Science Foundation (NSF)
  o Any project involving human subjects except PHS-funded projects
  o California Institute of Regenerative Medicine (CIRM)
  o UC Special Research Programs (California Breast Cancer Research Program, Tobacco-Related Disease Research Program, and University wide AIDS Research Program, and any UCOP Special Programs)

Reference: [Guide to Research Compliance](#)
Missing Required Documents: Financial Conflict of Interest Paperwork

- **PHS COI** (online) – Required when PIs and other Investigators are participating in research funded by **any** PHS agency or **any** other sponsor that has adopted the PHS regulations. Form 800 is **not required** for PHS funded projects. Other sponsors include:
  - American Cancer Society
  - American Asthma Foundation
  - American Heart Association
  - American Lung Association
  - Alliance for Lupus Research
  - Arthritis Foundation
  - Cure PSP Foundation
  - Juvenile Diabetes Research Foundation
  - Lupus Foundation of America
  - Patient-Centered Outcomes Research Institute
  - Susan G. Komen for the Cure

Reference: [Guide to Research Compliance](#)
Why So Many Certifications and Compliance Documents?

Case Study: University of Virginia

- Prof. Eric Poehlman was the first U.S. academic sentenced to prison for falsifying data in a grant application. Poehlman was in extremely good standing within his research fields, ultimately publishing over two hundred journal articles.

- On March 17, 2005, Poehlman pleaded guilty to charges of scientific misconduct, admitting that 17 of his grant applications submitted to NIH were based on false data.

- Furthermore, ten of Poehlman’s published papers were proven to be fictitious.

- On June 28, 2006, Poehlman was sentenced to serve a year and a day in federal prison. It was totaled that Poehlman cheated research agencies out of $2.9 million.
Why So Many Certifications and Compliance Documents?

**Case Study: University of Tennessee**

- Prof. J. Reece Roth, sentenced to 48 months in prison for violating the Arms Export Control Act after exporting technical information relating to plasma technology to a foreign nation without the required U.S. government license.

> “This case should send a stern warning to those who would betray the trust of our nation by violating the export control laws by providing our military information to foreign nationals.”

- U.S. Attorney Russ Dedrick
Why So Many Certifications and Compliance Documents?

• 2013 “ASU Audit Findings: Allegations of wrongdoing against multiple board members”

“…auditors had found evidence that suggested evidence of conflicts of interest, numerous contracts with no proof of work completed, financial waste, inappropriate relationships, payments to family and friends of ASU board members, inappropriate payments and intentional obscuring of inappropriate payments and circumventing policies and procedures…”

Source: WFSA
What’s at Risk?

An institution must comply with federal rules if it accepts federal funding for research; whether or not a specific project is funded by the federal government, it still has to comply with the rules.

Davis campus 2015-2016 $391 Million (out of $760M)
UC system 2014-2015 $3.3 Billion (out of $6B)
California Model Agreement (CMA): A New Relationship

• Use of the model agreement is predicated on a different working relationship with the State.
  o Campuses will provide complete proposals
  o Proposals will be reviewed in advance by university sponsored projects office
  o Proposals will contain more detail upfront, allowing for less detail to be required later, for example, with each invoice

• The following awards will not use CMA templates
  o CIRM, CEC – PIER/EPIC and California Marketing Boards

• Contact SPO for instructor-led training for your department

• See: http://research.ucdavis.edu/proposals-grants-contracts/spo/#model contract
After the Fact Awards (ATFs) Delay Award Processing

• What is an ATF?
  o An award in which SPO has no record of a proposal being submitted

• ATFs are often a “trifecta”
  o Often no data sheet or compliance documents at SPO
  o Often incorrect IDC rate
  o Often require negotiation of terms

• Department and sponsor have already agreed upon a budget which may be incorrect. Making adjustments to the budget and other term at this stage may damage relationships
Guidelines for Award Terms

UC follows these PRINCIPLES when we accept any agreement with an external party on behalf of our researchers:

- Open dissemination of research results
- Commitment to students
- Accessibility for research purposes
- Public benefit
- Informed (researcher) participation
- Legal integrity and consistency
- Fair consideration for commercial use
- Objective decision making

Source: From University of California’s “Principles Regarding Rights to Future Research Results in University Agreements with External Parties” (1999)
## Major Cultural Differences in Academia vs: Industry

<table>
<thead>
<tr>
<th>University/Academia</th>
<th>Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Open publication of research results</td>
<td>• Trade secrets, confidentiality</td>
</tr>
<tr>
<td>• Equal access to research and labs for students, faculty, and staff</td>
<td>• Citizenship restrictions, restrictive access to proprietary information</td>
</tr>
<tr>
<td>• Academic growth and development, research to further the field</td>
<td>• Research to commercialize and profit</td>
</tr>
<tr>
<td>• Perceived bureaucracy and administrative hurdles</td>
<td>• Each company may have different decision making structures, potential delays</td>
</tr>
<tr>
<td>• University owns IP</td>
<td>• Company wants to own research results and IP</td>
</tr>
<tr>
<td>• Research for public benefit</td>
<td>• “Paying for research” for corporate benefit</td>
</tr>
</tbody>
</table>
What Terms Should Be Negotiated?

Any provision that:

• Violates university policy;
• Would put UC activities in conflict with California or federal law;
• Lacks legal integrity (do not further UC’s missions; or with which UC cannot reasonably comply);
• Researchers find objectionable; or
• Would negatively impact or limit other UC research programs.
Activity 2

What terms should be negotiated?
Activity 2: Example 1

“Grantee shall provide Sponsor with any planned disclosures or publications for review at least 45 days before submission for such disclosure or publication. Further, Grantee shall not disclose or publish the results of research conducted hereunder without Sponsor’s prior review and approval of the material to be disseminated.”

a) Assume you are the SPO award analyst. Do you want to negotiate with the sponsor?

b) If you want to negotiate with the sponsor, which term(s) should be negotiated?
Activity 2: Example 1

Relevant Polices/Explanations

• UCOP Policy (“Regulation 4”): ....the right of publication is reserved by the University. The University may itself publish the material or may authorize, in any specific case, a member or members of the faculty to publish it through some recognized scientific or professional medium of publication....."

• California Senate Concurrent Resolution No. 66: “Resolved by the Senate of the State of California, the Assembly thereof concurring, That, to ensure academic freedom, the Legislature of the State of California urges the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing board of each community college district in the state to prohibit the institutions under their jurisdiction, or any of the staff or component parts of these institutions, from signing any agreement that requires the permission of an entity outside the institution to publish or otherwise communicate the results of academic research…”
Activity 2: Example 2

“University shall not disclose any Confidential Information without the express written consent of Sponsor. “Confidential Information” shall not include research results generated by University, but shall include the content of this agreement. Material breach of this provision shall result in University’s obligation to repay all funds granted hereunder.”

a) Assume you are the SPO award analyst. Do you want to negotiate with the sponsor?

b) What if, UC Davis Campus Counsel receives a request under the California Public Records Act (CPRA) shortly after the award is signed. Can UC Davis comply with the terms of award and California state law?
Activity 2: Example 2

Relevant Polices/Explanations

“Article I, Section 3(b) of the California Constitution provides that the writings of public officials and agencies shall be open to public scrutiny. This right of access to public records is codified in California law as the California Public Records Act (“CPRA”), which is located in the California Government Code at section 6250 et. seq. As a state institution, the University of California, including the Davis campus, must comply with the legal mandates of the CPRA, a law that requires state agencies to make public records available for inspection and disclosure to the public upon request, unless those records are exempted by law.”

Activity 2: Example 3

“University agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by University in the performance of this Agreement.”

a) Assume you are the SPO award analyst. Do you want to negotiate with the sponsor?

b) If you want to negotiate with the sponsor, which term(s) should be negotiated?
Activity 2: Example 3

Relevant Policies/Explanations

- U.C. Board of Regents Standing Order 100.4(d)(d) states the President is authorized to execute on behalf of UC all contracts and other documents necessary in the exercise of the President’s duties, including documents to solicit and accept pledges, gifts, and grants, except that specific authorization by resolution of the Board shall be required for agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests.

- Agreements obligating UC to indemnify the sponsor (or anyone) for third-party liability requires the approval of the UC Board of Regents. The authority does not exist on campus.
What Terms Should Be Negotiated?

Example 4

Let’s do one more example together:

Inventor Anne Tidote invents a new compound for neutralizing snake-bite venom under a Sponsored Research Agreement from MedCo, which states, “UC will grant MedCo an exclusive license to all discoveries resulting from the research under this Agreement.” UC files patent application No. 1 and exclusively licenses it to MedCo.

During clinical trials, it is noted that the drug makes patients nauseous.

Professor Tidote receives a research grant from PharmaCo to investigate the drug’s adverse side effect. The research contract with PharmaCo promises PharmaCo an exclusive license to all inventions made under the research agreement with PharmaCo dollars.

Under the PharmaCo grant, Tidote discovers that mixing the compound with ginger during the manufacturing process results in an improved drug that has the same beneficial properties (neutralizes snake venom) without the disadvantageous side effect (nausea). UC files patent application No. 2.

Which Company is entitled to the exclusive license to patent application No. 2—MedCo or PharmaCo?
What Terms Should BE Negotiated: Example 4

Sponsored Research Agreements with intellectual property provisions must specify UC ownership of UC researchers’ inventions.

Language granting rights (especially exclusive rights) in UC patent rights to sponsors must:

- Avoid reaching to inventions created at other UC campuses
- Avoid reaching to other research projects
- Confine obligated patent rights to those inventions made in the period of performance of the project (Not inventions made one year before the project started…. Not inventions made one year after the project ended…)
- Confine obligated IP rights to inventions that are potentially patentable (Not the researcher’s know-how, tangible materials, data, other unprotectable research results…)
What Terms Does SPO Negotiate?

Recap

Any provision that:

- Violates university policy
  - Example: Publication restrictions, 3\textsuperscript{rd}-party liability, UC Patent Policy
- Would put UC activities in conflict with California or federal law
  - Contract confidential/not subject to California Public Record Act
- Lacks legal integrity (do not further UC’s missions; or with which UC cannot reasonably comply)
  - Services competing with local service providers
  - Broad statements affecting all UC campuses
- Researchers find objectionable
  - Disposition of equipment, timeline, deliverables, etc.
- Would negatively impact or limit other UC research programs
What Terms Does SPO Negotiate? What are the Risks?

Severity of provision requiring negotiation:
- Publication Restriction
- Atypical intellectual property rights
- Contract governed by foreign law
- Payment in currency other than USD
- Payment conditional on “satisfactory” performance
- Reporting timelines
- “Business Decision” made in consultation with dept.
  - Policy Violation may need exception from UCOP
Why Bother?

- 2006XXXX – researcher prohibited from transferring research materials
- 2009XXXX – sponsor filed for bankruptcy; bankruptcy estate dispersed, but dept not made whole. Department financial loss
- 2010XXXX – sponsor disputed performance in light of scope of work; denied UC invoices for over four years
- 2010XXXX – dispute re “satisfactory” performance; sponsor rejected UC invoices; department financial loss
- 2013XXXX – dispute over deliverables; UC IP potentially jeopardized.
- … many, many other examples

SPO’s charge is to **Balance** - Balance between (i) quickly executing an award (negotiate for best reasonable terms), and (ii) the risk of poor outcome detrimental to researcher and department.

If SPO signs off on risky terms in an agreement, we will do so with the informed participation, consent, and financial assurance of the stakeholders – PI, chair, & maybe dean.
To Get the Fastest Access to Your Award:

• Follow UC’s rules
  o Apply the correct IDC rate. Consult with SPO early and often.
  o Submit a complete data sheet to SPO.
  o Complete necessary compliance documents & provide to SPO.
  o Avoid ATFs. Provide SPO an opportunity to review a proposed project before an award arrives.
  o Read award carefully. If you disagree with a provision, alert SPO promptly.

• Coordinate with other offices in advance if down-streaming contracting is needed:
  o Need a purchase order – Talk to Campus Contracting Services
  o Portion of award includes construction requiring a public bid - Talk to DCM early
Post-Awards: Essentials & Best Practices

- Subawards
- Research Performance Progress Reports (RPPRs)
- Closeout
Post-Award Issues: Subawards

**SPO’s Subaward Team** ([subawards@ucdavis.edu](mailto:subawards@ucdavis.edu))

- Determine whether a subaward or other mechanism is appropriate
  - Campus Contracting Services for independent contractor agreements, independent consultant agreements, P.O.s, etc.
  - Health System Contracts & Health System Purchasing

- Process for getting a subaward:
  - **Step 1:** After receiving notification that the Prime Award has been awarded, the PI/Department Administrator requests a subaward by completing a Subaward Request Form.
  - **Step 2:** The PI/Department Administrator emails the Subaward Request Form and all relevant documents to the Subaward Team. The attached documents should be current or applicable to the period of performance for which you are subcontracting.
  - **Step 3:** The Subaward Team reviews the Subaward request to determine whether additional documents or information are needed.
  - **Step 4:** The Subaward Team drafts and sends a subaward agreement or amendment to the subrecipient, along with any applicable compliance requests *(typically within 2 weeks after. However, turnaround time may vary)*.
  - **Step 5:** The subrecipient returns documents to the Subaward Team. The Subaward Team sends a fully executable version of the subaward agreement and once fully executed the Subaward Team awards the subaward and routes the document fully-executed subaward to CGA and the department.
Interim and Final Reports

PIs are responsible for submitting all required interim and final technical or project reports to the awarding agency or sponsor. The PI should review the award terms and conditions and make note of the following items in order to ensure timely completion of the reports as required by the Sponsor:

• What technical or program report are required?
• What are the deadlines for reports?
• What format and submission methods are required

More information on progress reports is available at:

• Office of Research Website: http://research.ucdavis.edu/proposals-grants-contracts/spo/award-management/#progressreports
• National Institutes for Health: https://grants.nih.gov/grants/rppr/index.htm
Closeout

• Closeout is the process by which the Sponsor determines that all applicable administrative actions and all required work of the award have been completed by the grantee.
• Closeout requirements vary by sponsor.
• For Federal awards, Grantees typically submit the following closeout reports:
  o Final Federal Financial Report (except for Fellowships)
  o Final Progress Report (except for Fellowships for which the Termination Notice will continue to serve as the Final Progress Report)
  o Final Invention Statement and Certification (except for Training grants, Fellowships, and certain other programs—e.g., activity codes C06, R13, R25, S10)
  o Final Equipment Report (dependent on sponsor/award type)
Closeout

• **Financial Report**: You’ll receive automated notification from CGA 90 days prior to the award end date. Using CGA’s Award Closeout Checklist and reviewing your financial ledgers you will:
  - Compare approved budget with the ending actual budget. Any re-budgeting required?
  - Are all expenditures allowable based on the T&Cs of the award?
  - Were expenditures incurred within the budget period?
  - Have payroll appointments been changed to ensure no further expenditures are recorded?

• **Technical Report**: Timeliness is important

• **Invention Report**: Required even if negative

• **Equipment Report**: Equipment Management can assist

SPO Closeout Analyst: Terrence (“Terry”) Duperron

or_spocloseout@ad3.ucdavis.edu
Resources

- Office of Website
- Guide to Research Compliance
- Listserv Subscriptions

- Research Administration Forums
- Other Classes
Office of Research Website

http://research.ucdavis.edu/
Sponsored Programs

Project Timeline

The Office of Research Sponsored Programs office at UC Davis supports campus researchers and their staff with a variety of 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 funded by federal and state agencies, foundations, and other public and private sources. The office is also responsible for drafting, 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 is assigned to focus on either proposals or awards/subcontracts for a set of schools and/or colleges. To ensure a depth of knowledge in 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
- OR Budget Templates
- Common Proposal Components
- Submitting Your Proposal
- Award Processing
- Subawards
Guide to Research Compliance

Office of Research Listserv Subscriptions

• C&G Listserv: [https://lists.ucdavis.edu/sympa/info/ovcr-cg](https://lists.ucdavis.edu/sympa/info/ovcr-cg)

• Other Office of Research Listservs:
  - Core Facilities Program
  - Digital Millennium Copyright Act (DMCA)
  - Funding
  - Institutional Review Board (IRB)
  - Research Compliance and Integrity (RCI)
  - Responsible Conduct of Research (RCR)
  - Research Unit Lists
Monthly Research Administration Forum

- The fourth Wednesday of each month from 8:30-10am
- Located at Sponsored Programs office
  - 1850 Research Park Drive, Davis.
- Reminders are sent out via the OVCR-cg listserv (visit our website to sign up for this listserv)

**TIP:** CGA, IRB, RCI and other units provide important updates at the Forum too!
Other Classes Offered by SPO

- Sponsored Programs Essentials, Part 1: Introduction to SPO & Pre-award
- Proposal Preparation and Submission
- Writing a Proposal Budget: Lab
- Understanding the Award Process
- Other courses:
  - Intellectual Property at UC Davis (In conjunction with InnovationAccess)
  - Contracting with State of California agencies (not through SDPS)

Visit the SDPS website for a list of dates and times and to sign up. [http://sdps.ucdavis.edu/](http://sdps.ucdavis.edu/)
Q & A

• What questions do you have?

• Don’t forget your evaluation forms!
Thank You!

For research-related announcements, you can now follow SPO on Twitter and YouTube!

@UCDavis SPO

Sponsored Programs UC Davis