Updates: Uniform Guidance and Research Terms and Conditions

Presenters:
Kim Moreland, Associate Vice Chancellor for Research & Sponsored Programs
Jennifer Rodis, Policy Analyst, Research & Sponsored Programs
Agenda

- Uniform Guidance: Important Changes Implemented
- Uniform Guidance: Current State
- Future of the Uniform Guidance
- Research Terms and Conditions
Uniform Guidance: Important Changes Implemented
Computing Devices

OMB Circulars
- Must be specifically identifiable with and solely dedicated to the project

Uniform Guidance
- Computing devices <$5,000 are supplies
- Must be essential and allocable
- Not required to be solely dedicated to the performance of the award
UW-Madison’s Computing Device Purchases Guidance

https://www.rsp.wisc.edu/UG/ug_computing_device_guidance.cfm
Administrative & Clerical Salaries

OMB Circulars

- Permissible in limited circumstances for major projects (per A-21, F.6.b.(2) and Exhibit C)

Uniform Guidance

- Must be integral to the project
- Individuals specifically identified with the project
- Explicitly included in proposed budget or prior written approval from awarding agency required
  - NIH has waived prior approval
- Costs not also recovered as F&A
Administrative and clerical salaries

- [https://www.rsp.wisc.edu/UG/ug_admin_clerical_guidance.html](https://www.rsp.wisc.edu/UG/ug_admin_clerical_guidance.html)
Terminal leave

**OMB Circulars**
- Banked unused leave paid out as lump sums treated on a cash basis
- Payments may from funding in place at time of employee retirement or termination

**Uniform Guidance**
- A terminal leave rate charged as a component of fringe benefit rate
- Funds housed in a central pool
- Terminal leave pool account used to make lump sum terminal leave payments
  - [https://www.rsp.wisc.edu/UG/terminal_leave.cfm](https://www.rsp.wisc.edu/UG/terminal_leave.cfm)
Participant Support Costs

§§ 200.75, 200.456

- § 200.75 - Participant support costs means direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

- Participant (non-employee) support costs must be explicitly included in your budget and excluded from the Modified Total Direct Cost (MTDC) base for calculating Facilities & Administrative (F&A) costs.

- Example: NSF Research Experiences for Undergraduates

- “Participants” in participant support costs are NOT human subjects research participants
Participant Support Costs Guidance

- [https://www.rsp.wisc.edu/policies/ParticipantSupport.cfm](https://www.rsp.wisc.edu/policies/ParticipantSupport.cfm)
Uniform Guidance: Current State
Subrecipient Monitoring & Management

**OMB Circulars**
- Prime recipients responsible for monitoring subawards
- Prime recipients shall ensure that subrecipients have met audit requirements

**Uniform Guidance**
- Subrecipient versus contractor determination must be documented
- Subrecipient risk assessment must be performed to determine appropriate monitoring
- Prescriptive monitoring requirements, including financial and performance reports, as well as audits
Subrecipient Monitoring & Management
Steps to comply with §§ 200.330-200.332

- Initiate and process subawards through Subaward Portal, including:
  - Sub vs. contractor determination: https://www.rsp.wisc.edu/awardmgt/subaward%20determination%20questionairre.pdf
  - Collection of subaward information
    - Guidance on F&A for subawards: https://www.rsp.wisc.edu/awardmgt/SOW_Budget_Institutional_Approval_Requirements.pdf#page=2
  - Subrecipient risk assessment
    - FDP Expanded Clearinghouse Initiative: https://fdpclearinghouse.org/
  - Creation of subaward agreement

- Updated subaward invoice approval process

- RSP Subagreements website: https://www.rsp.wisc.edu/awardmgt/subagmts.cfm
Procurement, 2 CFR 200.320

- Micro-purchases at or below $3,500 threshold do not require competitive quotes
- Purchases above micro-purchase threshold require price or rate quotations for an adequate number of qualified sources
- Document in internal policies if institution chooses to use previous procurement standards during grace period
Grace Period #3

- For all non-Federal entities, there is an additional one-year grace period for implementation of the procurement standards in 2 CFR 200.317 through 200.326.

- For UW, this means that the 2 CFR 200.317 through 200.326 must be implemented on July 1, 2018. Some quick observations and recommendations:
  - The procurement standards that we are using (premised on OMB Circular A-110) can continue to be used until the new implementation date.
  - The micro-purchase threshold that we are using ($5,000) remains effective until, and after, the new implementation date.

Future of the Uniform Guidance
UG in the New Administration

- Reluctance to revise or improve
- The Technical Corrections that would provide some relief of burden have been written but may not be implemented
- Some hope for better collaboration after this first year of the administration
- OMB leadership has not shown a strong interest in research and its management but did accept ideas for reduction in administrative burden
Research Terms and Conditions
Research Terms and Conditions

- Standardized terms and conditions for federal awards used by multiple agencies
- Implement the requirements of the Uniform Guidance
- Apply to research and research-related grants to institutions of higher education
Research Terms and Conditions: Structure

- Overlay
- Appendix A: Prior Approval Matrix
- Appendix B: Subaward Requirements
- Appendix C: National Policy Requirements

- Agency implementation statements
- Agency-specific terms and conditions

https://www.nsf.gov/awards/managing/rtc.jsp
Research Terms and Conditions: Participating Agencies & RTC Effective Dates

- Department of Commerce/National Oceanic and Atmospheric Administration and National Institute of Standards and Technology – 10/1/17
- Department of Energy – 4/3/17
- Environmental Protection Agency – December 2017
- National Aeronautics and Space Administration – 10/1/17
- National Science Foundation – 4/3/17
- Department of Health and Human Services/National Institutes of Health – 4/3/17
- Department of Agriculture/National Institute of Food and Agriculture – 6/1/17
- Department of Transportation/Federal Aviation Administration – 10/1/17
- Department of Homeland Security – 10/1/17
Research Terms and Conditions: Other key points

- NOT Federal-wide

- Agency-specific terms and conditions may differ from RTCs, for example:
  - USDA-NIFA: 90-day closeout
  - RTCs: 120-day closeout
Research Terms and Conditions: Examples

- National Science Foundation – award letter excerpt

This grant is awarded pursuant to the authority of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-75) and is subject to Research Terms and Conditions (RTC) dated March 14, 2017, and NSF Agency Specific Requirements, dated April 3, 2017, available at: https://www.nsf.gov/awards/managing/rtc.jsp.
Research Terms and Conditions: Examples

- National Institutes of Health – award letter excerpt

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

a. The grant program legislation and program regulation cited in this Notice of Award.
b. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
c. 45 CFR Part 75.

d. National Policy Requirements and all other requirements described in the NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
e. Federal Award Performance Goals: As required by the periodic report in the RPPR or in the final progress report when applicable.
f. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at http://grants.nih.gov/grants/policy/awardconditions.htm for certain references cited above.)
Research Terms and Conditions: Examples

- National Institutes of Health – NIH Grants Policy Statement

**NIH Grants Policy Statement**

*Revised November 2016. This document applies to all NIH grants and cooperative agreements for budget periods beginning on or after October 1, 2016.*

3 Overview of Terms and Conditions

3.1 Federalwide Standard Terms and Conditions
3.2 NIH Standard Terms of Award

3.1 FEDERALWIDE STANDARD TERMS AND CONDITIONS FOR RESEARCH GRANTS

In order to create greater consistency in the administration of Federal research awards, all Federal research agencies now utilize a standard core set of administrative terms and conditions on research and research-related awards that are subject to 45 CFR Part 75, to the extent practicable. The core set of administrative requirements for participating Federal research agencies and other pertinent documents are posted at: [http://www.nsf.gov/bfa/dias/policy/rfc/index.jsp](http://www.nsf.gov/bfa/dias/policy/rfc/index.jsp). Recipients are encouraged to review the companion documents which include a Prior Approval Matrix, National Policy Requirement Matrix, Subaward Requirement Matrix, and Agency-Specific Requirements. NIH implementation of these Federalwide research terms and conditions has no significant change in the requirements or terms and conditions for NIH awardees.


Research Terms and Conditions: Examples

- Department of Energy – award letter excerpts

Doe has obligated $750,000.00 for completion of the Project authorized by this agreement; however, only $209,000.00 is available for work performed by the Recipient during Budget Period 1 of the project. For Budget Periods 2, 3, 4 and 5 the remainder or $541,000.00 will be available subject to the conditions set forth in Clause FA-TC-0018.6, Continuation Application - Fully Funded Awards Under 10 CFR 605, and Clause FA-TC-0024A, Approval of Budget Periods - Fully Funded Awards, of the attached Special Terms and Conditions.

**SPECIAL TERMS AND CONDITIONS**

This award/agreement consists of the Assistance Agreement cover page, plus the following:

a. Special terms and conditions.

b. Attachments:

<table>
<thead>
<tr>
<th>Attachment No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Intellectual Property Provisions</td>
</tr>
<tr>
<td>2</td>
<td>Federal Assistance Reporting Checklist and Instructions</td>
</tr>
<tr>
<td>3</td>
<td>Budget Pages</td>
</tr>
<tr>
<td>4</td>
<td>Federal-Wide Research Terms and Conditions and DOE Agency Specific Requirements (DRAFT)</td>
</tr>
</tbody>
</table>

NOTE: The final version of the Federal-Wide Research Terms and Conditions and the DOE Agency Specific Requirements will become effective for this award upon publication at [http://www.nsf.gov/awards/managing/rtc.jsp](http://www.nsf.gov/awards/managing/rtc.jsp).