


Update of the Research Terms and Conditions to Implement the new Uniform Guidance



**A Working Group of the National
Science and Technology Council's
Research Business Models
Subcommittee**

**Update to the Federal Demonstration
Partnership
January 12th, 2015**

Participating Agencies

- Department of Agriculture
 - NIFA
- Department of Commerce
 - NIST/NOAA
- Department of Energy
- Department of Transportation
 - FAA
- Environmental Protection Agency
- NASA
- NIH – co-Chair
- NSF – co-Chair

Process

- In early 2014, multiple conference calls were held with representatives from the Research Business Models (RBM) Subcommittee to discuss whether, and, if so, how, to proceed with development of a replacement to the now outdated Research Terms and Conditions (RTCs)
- The RBM approved the Working Group to move forward with development of the proposed implementation model
 - The Department of Defense is currently developing a different implementation model

Process (cont'd)

- The RBM Working Group began with the existing RTC and developed an overlay to the Uniform Guidance which includes the:
 - National Policy Requirements
 - Subaward Matrix
 - Prior Approval Matrix

Process (cont'd)

- National Policy Requirements. The RBM Working Group reviewed the current Matrix and determined that the Policy Matrix will include only Federal-wide Requirements and that each agency would maintain their own agency specific requirements as part of their agency implementation
- Prior Approval Matrix. The RBM Working Group has considered each prior approval requirement identified in the Uniform Guidance using the following criterion:

Process (cont'd)

- Do two or more agencies support waiving the prior approval requirement?
 - ▣ If yes, the prior approval would be waived within the RTC overlay, but, agencies would have the discretion to maintain the prior approval within their agency specific requirements.

High Level Concept

Federal-Wide Research Terms and Conditions Overlay to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR § 200¶

These Research Terms and Conditions implement the requirements of the [Uniform Guidance](#), issued by the U.S. Office of Management and Budget, as it applies to research and research-related grants made by Federal awarding agencies to educational and non-profit organizations. While the Uniform Guidance outlines provisions that are specific to research, these terms and conditions: ¶

- (a) → Incorporate the entire the Uniform Guidance by reference, clarifying or supplementing select provisions where appropriate and consistent with government-wide research policy. ¶
- (b) → Apply to an award when included as part of the award or when incorporated in the award by reference. ¶

In addition to this overlay, recipients also must review the following companion resources: ¶

- Appendix A, [Prior Approval Matrix](#). ¶
- Appendix B, [Subaward Requirements Matrix](#). ¶

Clarity is provided only for the specific Uniform Guidance provisions that are noted in the following table. Unless noted below, the Uniform Guidance provisions apply to these Research General Terms and Conditions as written in 2 CFR § 200. Recipients must also refer to Agency Specific Requirements maintained at: <http://www.nsf.gov/awards/managing/rtc.jsp>. ¶

Uniform Guidance¶	Proposed Federal-wide Research Terms Clarification¶
200.38 Federal award. ¶ <i>Federal award</i> has the meaning, depending on the context, in either paragraph (a) or (b) of this section: (a)(1) The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in 200.101 Applicability; or (2) The cost reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal pass-through entity, as described in 200.101 Applicability. (b) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 200.40 Federal financial assistance, or the cost reimbursement contract awarded under the Federal Acquisition Regulations. (c) Federal award does not include other contracts that a Federal	(a) As used throughout these Research Terms and Conditions, the term "award" means this specific agreement. ¶

The following additional documents will be included in the Implementation

- Implementation Plans
- Agency Specific Requirements
- National Policy Matrix
- Subaward Matrix
- Prior Approval Matrix
- Specific language for each award covered by the RTCs for participating FDP institutions??

Implementation Plans

- Example of what has been done in the past:
 - http://www.nsf.gov/bfa/dias/policy/fedrtc/implementation_808.pdf
- What needs to be specified in Implementation Plans?
 - Is there information that would be useful to grantees that is not included?

Draft Format for Agency Specific Requirements

- (a) State which awards are covered by the Research Terms and Conditions. (If an agency wants to make a point of the fact that a particular class of awards is not covered, it should state these, too.)
- (b) State any additional prior approval requirements not included in the general T&C's
- (c) State which categories of costs are unallowable as direct charges
- (d) Provide contact information for technical matters (titles, not individuals)
- (e) Provide contact information for administrative matters (titles, not individuals).
- (f) Provide contact information for intellectual property (titles, not individuals).
- (g) State other agency-specific requirements, with reference to general requirements if possible.
- (h) State whether revised budgets must be submitted on agency forms
- (i) Specify format, content, and timing of technical reporting.
- (j) Specify form and timing of final financial reporting
- (k) State any additional documentation besides progress reports needed to trigger incremental Funding

Updates Needed to Other Documents

■ National Policy Matrix

- http://www.nsf.gov/bfa/dias/policy/fedrtc/appc_apr14.pdf

■ Subaward Matrix

- http://www.nsf.gov/bfa/dias/policy/fedrtc/appb_june11.pdf

■ Prior Approval Matrix

- http://www.nsf.gov/bfa/dias/policy/fedrtc/priorapproval_oct08.pdf

Award Letter Language

- Is there still a need to provide language in the award notice that specifies an institution's participation in the FDP?
- The following language was approved for use by the FDP Terms and Conditions Standing Committee for use in Award Letters
 - This institution is a signatory to the Federal Demonstration Partnership (FDP) Phase VI Agreement which requires active institutional participation in new or ongoing FDP demonstrations and pilots.

High Level Next Steps....

- ❑ Complete draft format
- ❑ Engage FDP
- ❑ Publish in the Federal Register for comment
- ❑ Initiate formal clearance process
- ❑ Implement

Discussion!

- How can we best engage the FDP??