

Meeting notes from FDP Subawards Subcommittee, September 11, 2014

Subawards Agenda

- Introductions and mention of the listserv
- Subaward templates
- Whistleblower Language
- UG working group
- Significant participation

How would you use the unilateral?

- The language describes what is allowed, but it can vary from institution to institution.

Fixed price template

- No sample payment schedules sent yet by participating schools to Jennifer.
- If you have one, send it to Jennifer and we can post it in a standard format on the website.
- 30 day window for paying invoices. Is it required by UG? Not that we are aware of. Take it out. Group agrees.
- The UG says the 30 day window applies only for cost reimbursement, so we need to update both templates; take it out of Fixed Price and add it to Cost Reimbursement.
- Is a Close Out section needed? Maybe we need to add it for UG.
 - Do we need a certification per UG for close out and final invoice/payment.
- What is the expectation for budgets if the subaward is fixed price? Take the reference to budgets out of the template.

Cost reimbursable audit language

- We may need to tweak the audit language, since HIPAA and PHI data may be caught in this net.

Doesn't attachment 2 give rights to intellectual data?

- Applicable law applies.
- Processes for release of patient data.
The subaward institutions should ask their offices of legal counsel what they think and let us know.

Cost reimbursement cost share language. How does it impact the attachment 4?

- We deliberately left it vague. Use as you need to.

Whistleblower protections

- It is a Pilot program for non-NASA non-DOD agencies.
- Use "if applicable" language.

Suggested language (under attachment 1):

"Pursuant to 41 USC §4712, Subrecipient is required to:

1. Inform their employees working on any Federal award that they are subject to the whistleblower rights and remedies of the pilot program;
2. Inform their employees in writing of employee whistleblower protections under 41 U.S.C. §4712 in the predominant native language of the workforce; and,
3. Contractors and grantees will include such requirements in any agreement made with a subcontractor or subgrantee.

See more at: *link*"

Check for contracts from DOD and NASA for their own language.

Use a flag to ID whether it applies based on the agency. Lace into attachment 2.

Jennifer asked that someone volunteer; we are looking for an expert to carry this forward.

UG working group

Focus on Template updates

- Rosemary Madnick and Jeffrey Forsberg are co-chairs.
- We need to send a Charge to the exec cmte.
- Subaward vs subcontractors - should we look at tools our members have?
- Jennifer Rodis: Review agency implementations terms and conditions.
- Rosemary Madnick: Definitions
- Maren Boyack: Risk assessment for subs
- Erin Thacker: Foreign subs

Discussion of scope of work template?

- Put it on hold for now but work on it later
- UIDP has a template. Syracuse is currently using it.

Language is getting sloppy in some of the recent amendments. The template is pretty vague - a blank form. How can we provide a better form?

- Carry forward issue is one of them

Unilateral mods

- Encourage use of general email boxes for receipt.
- It should be on page 3
- Unilaterals are only for mods

EO final rule 503 rehab act. Language for subs to include. For contracts only.

User guide for these forms? Would be good to have available.

- There is an older version. Will post after updating for the latest forms.