

Federal Demonstration Partnership
Meeting of the Standing Committee on Terms and Conditions
May 14, 2001

Minutes

Committee members present were:

Susan Hill, Army Research Office
Kathryn McManus, Army Research Office
Erica Kropp, University of Maryland
Donna Helm, Johns Hopkins University
Mary Schmiedel, Georgetown University
Melanie Krizmanich, USDA/CSREES
Richard Pihl, AFOSR representative

1. Federal Policy on Research Misconduct

The government-wide policy on Research Misconduct was published in the December 6, 2000 Federal Register. NSF and NIH already had policies reflected in the less-than-government-wide section of the Statutory Requirement Matrix. This requirement has been moved up to the government-wide requirements section, with a reference to the Federal Register notice. See materials for Item #1, attached. The Terms and Conditions Committee will review the proposed change to the matrix, with the intent of revising the Matrix by June 16, 2001.

2. Data Collection/Paperwork Reduction Act

The committee is adding this item to the Statutory Requirements Matrix as a new government-wide requirement. The need for it arises from the limitation on agencies to collect data without clearance by OMB. The Terms and Conditions Committee will review the proposed change to the matrix, with the intent of revising the Matrix by June 16, 2001.

3. AMRMC Prohibition Against Purchase of Dogs and Cats

The committee reviewed the notations to the United States Code where this requirement is found. Although the prohibition was first imposed in the 1991 Defense Department Appropriations Act, the addition of "*and hereafter*" makes this requirement binding until it is rescinded. The Statutory Requirements Matrix remains unchanged. Although other DOD participants in FDP would be similarly affected by this prohibition, they don't include it because they don't do medical training.

4. AMRMC Requirements for Army Surgeon Approval for Use of Human Anatomical Substances

This is Article 14 in the AMRMC Agency-Specific Requirements. The statutory/regulatory basis for this requirement is unknown. The Committee will seek information from AMRMC.

5. FDP Subaward Terms and Conditions

The FDP subaward task force headed by Penn State's Bob Killoren asked the terms and conditions committee to consider providing a full-text version of FDP terms and conditions for use when one FDP institution or organization makes a subgrant to another. The terms and conditions committee felt that the incorporation of three provisions into the subaward instrument would address the areas where variation is needed. These could be included in "Rider A" to the agreement, which currently has an example that reads:

Federal Demonstration Partnership Phase III and Agency Specific Requirements dated _____, and found at http://www.nsf.gov/home/grants/grants_fdp.htm, except for the right to initiate an automatic one-time extension of the end date (see item 9 of Subaward Terms and Conditions).

The following modification would address the specific areas where FDP T&C's would not be applicable to subrecipients:

Federal Demonstration Partnership Phase III and Agency Specific Requirements dated _____, and found at http://www.nsf.gov/home/grants/grants_fdp.htm, except for the following:

- *the right to initiate an automatic one-time extension of the end date provided by Article 25, Section 2(c) is replaced by the need to obtain prior written approval from the Prime Awardee;*
- *the payment mechanism described in Article 22 and the financial reporting requirements in Article 52 of the General Terms and Conditions and Article 9 of the Agency-Specific Requirements are replaced with Terms and Conditions (1) through (4) of this agreement; and*
- *any prior approvals are to be sought from the Prime Awardee and not the Federal Awarding Agency.*

6. USDA/CSREES Changes in Agency-Specific Requirements

The Committee confirmed the appropriateness of the two recent changes to the USDA/CSREES Agency-Specific Requirements. The first updated contact information for technical reporting found in Article 8, and the second eliminated Article 11, which stated that provisions of the Architectural Barriers Act of 1968 and the Section 502 of the

Rehabilitation Act of 1973 did not apply to its FDP awards. The second change was made on the advice of USDA legal counsel.

7. A-110 Changes in Documentation Requirements

Despite many assurances, OMB has not yet modified A-110 to clarify that the requirement to perform and document cost and price analysis applies only to purchases above the simplified acquisition threshold. The Terms and Conditions Committee recommends the following revision to A-110:

____.45 Cost and price analysis. Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action [ADD: *in excess of the Simplified Acquisition Threshold*].

(We would also remind OMB to change the reference to the Small Purchase Threshold to Simplified Acquisition Threshold, wherever it appears in A-110.)

OMB has also not yet modified A-110 to clarify which cost sharing needs documentation. The Committee tentatively recommends the following change to A-110:

New Section: ____ .23(i) The documentation requirements in a. through h. apply only to (1) recipient or third party contributions identified in the proposal budget or budget narrative [when the proposal budget is incorporated by reference into the resulting award], and (2) to any other cost sharing stipulated in the award.

Chuck Paoletti of ONR is the liaison to OMB for these matters.

8. Limitations on Travel Expenses in the ARO Broad Agency Announcement

The budget instructions include the following:

Requests for domestic travel must not exceed \$2,500 per year per principal investigator. Separate, prior approval by the ARL is required for all foreign travel (i.e., travel outside the continental U.S., its possessions and Canada). Foreign travel requests must not exceed \$1,800 each per year per principal investigator. Special justification will be required for travel requests in excess of the amounts stated above and for travel by individuals other than the principal investigator(s).

The committee concluded that the limitation is on the amount that can be *requested* in the budget, and that the rebudgeting authority in the FDP Terms and Conditions provide the necessary authority to spend more on travel without prior approval from ARO. (Note that foreign travel continues to need ARO's prior approval.)